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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M No. 52900 of 2023

Date of Decision:- 23.11.2023

TARUN KUMAR

... Petitioner

Versus

STATE OF HARYANA

... Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY.

Present:- Mr. Parveen Sharma, Advocate
for the petitioner.

Mr. Surender Singh, AAG, Haryana.

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SANJIV BERRY, J. (ORAL)

The instant petition has been preferred by the petitioner under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in the following case (Annexure P-1):-

FIR No.	Dated	Sections	Police Station
70	03.02.2023	406, 420, 467, 468, 471, 120-B IPC	Thanesar Sadar, Kurukshetra

2. In nutshell brief facts of the case as per the prosecution are that Ram Lal- complainant is doing the business of purchase and sale of new auto and E-rickshaw under the name and style of Rama Krishna Auto Agency, Ambala road, Pipli. Sahil Lalit purchased E-rickshaw bearing Chasis No. 10049 on 13.11.2022 amounting to ₹1,50,000/- and paid ₹30,000/- in cash and promised to pay remaining amount by 25.11.2022. Pardeep Singh purchased E-rickshaw bearing Chasis No. 10321 on

15.11.2022 amounting to ₹1,50,000/- and paid ₹25,000/- in cash and promised to pay remaining amount by 28.11.2022. Baljot Singh also purchased E-rickshaw bearing Chasis No. 10493 on 20.11.2022 amounting to ₹1,50,000/- and paid ₹25,000/- in cash and promised to pay remaining amount by 29.11.2022. All the accused persons know each other, neither they turn up for registration of E-rickshaw nor payment of remaining amount and fraudulently in connivance with each other cheated the complainant and hence the FIR was registered.

3. It is *inter alia* contended by learned counsel for the petitioner that the petitioner has been falsely implicated in this case. He submits that the petitioner was nominated in the FIR on the disclosure statement of the co-accused. He has nothing to do with the alleged purchase of the E-rickshaw. He submits that co-accused Raj Kumar has been granted concession of bail by this Hon'ble Court vide order dated 20.10.2023 passed in CRM-M-28214 of 2023. He submits that the petitioner is in custody since 05.05.2023 and the challan has already been presented in Court, and conclusion of trial would take sufficient long time and no useful purpose would be served by keeping the petitioner behind bars any further as such he prays for grant of concession of bail to the petitioner.

4. Per contra learned State counsel filed custody certificate dated 22.11.2023, the same is taken on record and submits that there are 5 accused persons in the present case and out of them challan has been presented against Pardeep, Baljot Singh and the present petitioner. He submits that in collusion with each other all the accused cheated the complainant and fraudulently purchased E-rickshaw.

5. Mr. Rajender Kumar, Advocate has put in appearance on behalf of the complainant and filed Vakalatnama. The same is taken on record. He contends that all the accused had cheated and fraudulently purchased the E-rickshaw by producing the fabricated documents, on the promise of future payment and did not turn up for payment as well as registration of the E-rickshaw.

6. Admittedly, the petitioner is in custody since 05.05.2023 and is not involved in any other case. As stated above the challan in the case has already been presented and trial is going on and criminal liability if any, would be ascertained after conclusion of trial, which may take sufficient long time and no purpose would be served by detaining the petitioner behind bars any longer.

7. Consequently, without commenting on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail subject to furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court concerned, if not required in any other case; undertaking to regularly appear on each and every date; not to leave the country without prior permission of the Court; and not to tamper with evidence of prosecution in any manner.

8. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

(SANJIV BERRY)
JUDGE

23.11.2023

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i)	Whether speaking/reasoned?	Yes/No
ii)	Whether reportable?	Yes/No