

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M-56437-2022 (O&M)

Date of Decision: 24.04.2023

Pankaj Gupta

....Petitioner(s)

Versus

State of Haryana

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Kunal Choksi, Advocate for
Mr. S.P.S. Khaira, Advocate, for the petitioner.

Ms. Nidhi Garg, AAG, Haryana.

JASGURPREET SINGH PURI, J. (Oral)

1. The present is a second petition filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in FIR No.65 dated 22.04.2017, under Sections 406,420,467, 468, 471, 506 and 120-B IPC, registered at Police Station Kosli, District Rewari, Haryana.

2. Learned counsel for the petitioner has submitted that the petitioner is in custody for 2 years and after the framing of the charges, two witnesses out of 34 witnesses have already been examined and it is a case where the allegations against the petitioner were that he alongwith the other co-accused had received some amount for recruitment of the complainant in the Railway. He submitted that the allegations are to be proved at the time of trial and since the investigation has been completed and trial has commenced, the petitioner may be considered for the grant of regular bail on the ground of long

custody of two years. He submitted that in fact on the same date number of other FIRs were also registered in the same police station in which the petitioner had applied for bail and has been granted bail. He referred to one of the orders passed by a Co-ordinate Bench of this Court vide Annexure P-5 and another order which was passed by this Court pertaining to present petitioner in CRM-M-56441-2022 in which bail was granted to the petitioner in the other FIR on 07.02.2023 in which identical allegations have been made. He submitted that in fact the petitioner has been falsely implicated due to personal enmity.

3. On the other hand, Ms. Nidhi Garg, learned AAG, Haryana has stated that the petitioner is not entitled for the grant of regular bail on the ground that he is a habitual offender and he is involved in seven more cases of similar nature. So far as the custody of the petitioner is concerned, the same has not been disputed by the learned State counsel and it is also not disputed that the petitioner has been granted bail in the other similar cases which were registered on the same date.

4. I have heard the learned counsel for the parties.

5. The petitioner has already faced incarceration for 2 years. After the framing of the charges 2 out of the 34 witnesses have been examined. The petitioner is stated to be involved in similar kind of other cases as well and as per the learned counsel for the parties, he has been granted bail in those cases. The pendency of the other cases against the petitioner will therefore not become a ground for denial of bail to the petitioner especially considering the total custody of the petitioner which is stated to be 2 years. Furthermore, it is not the case of the State that in case the petitioner is released on bail, then he may influence any witness or may tamper with evidence or may flee from

justice.

6. In view of the aforesaid facts and circumstances, this Court deems it fit and proper to grant regular bail to the petitioner.
7. Consequently, the present petition is allowed. The petitioner shall be released on regular bail subject to furnishing bail bonds/surety to the satisfaction of the learned trial Court/Duty Magistrate concerned.
8. However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is meant for the purpose of deciding the present petition only.

24.04.2023

rakesh

Whether speaking
Whether reportable

(JASGURPREET SINGH PURI)
JUDGE

: Yes/No
: Yes/No