

285 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-57173-2023

Decided on : 21.11.2023

Ashwani Kumar

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Aslam, Advocate
for the petitioner.

Mr. Mohit Kapoor, Addl. AG, Punjab.

Manjari Nehru Kaul, J.(Oral)

1. Instant petition has been filed by the petitioner seeking concession of regular bail in case FIR No.253 dated 01.09.2023 under Sections 406, 420, 120-B IPC and 4, 5, 12, 18 and 76 of Chit Fund Act, 1982 registered at Police Station Zirakpur District Mohali.

2. Learned counsel for the petitioner *inter alia* contends that the petitioner has neither been named in the FIR in question (annexed as Annexure P-1) nor any role, even by way of a whisper, attributed to him. In fact, the petitioner is a government employee, who was employed as a driver with the Technical Board, Haryana; furthermore, it is not even the case of the prosecution that any amount had ever been paid to the petitioner or had been deposited in his bank account out of the money, which was allegedly invested by various individuals in the company, floated by the co-accused. Learned

counsel has submitted that the petitioner has been in custody since 03.09.2023 in a Magisterial trial; since the investigation in the case in hand is complete, as even the challan stands presented, therefore, no useful purpose would be served in keeping the petitioner behind bars as trial would take considerable time to conclude.

3. Per contra, learned State counsel while opposing the prayer and submissions made by the counsel opposite on instructions has submitted that the petitioner after conniving with the co-accused had duped a number of innocent people of crores of rupees by assuring them of handsome returns in case the money was deposited in the companies floated by the co-accused. Learned State counsel has, however, not disputed that no amount was paid to the petitioner or had been deposited in his bank account, however, it has been submitted that an amount of Rs.30 lacs was invested in the fake companies of the co-accused by various persons at the behest of the petitioner.

4. On a pointed query put to the learned State counsel as to whether the petitioner is involved in any other criminal case, he on instructions has replied in the negative.

5. Heard learned counsel for the parties and perused the relevant material on record.

6. In the facts and circumstances as enumerated hereinabove coupled with the fact that the petitioner has been in custody since 03.09.2023 in a Magisterial trial, and charges have not yet been framed, the trial would therefore possibly take some time to conclude, this Court deems it fit to

extend the concession of bail to the petitioner. Accordingly, the instant petition is allowed. The petitioner is admitted to bail to the satisfaction to the trial Court/Duty Magistrate concerned.

7. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

21.11.2023
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(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether reportable :	Yes/No