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

**CRM-M-57735-2022
Date of Decision: 02.03.2023**

Manmohan Kaushik

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present: Mr. Kartar Singh Malik, Advocate
for the petitioner.

Mr. Ram Kumar Singla, DAG, Haryana.

HARSH BUNGER J. (ORAL)

Prayer in the present petition, filed under Section 439 of the Code of Criminal Procedure, is for grant of regular bail to the petitioner in case FIR No.166 dated 10.06.2022, under Sections 379 and 420 of Indian Penal Code, 1860, registered at Police Station Bass, District Hansi, Haryana.

Custody certificate dated 02.03.2023 of the petitioner has been filed by learned State counsel in Court today, which is taken on record, subject to all just exceptions.

Succinctly, the abovesaid case FIR No. 166 came to be registered on the complaint of one Sh. Kuldeep son of Dalbeer resident of Madanheri, who stated that he is doing job with UCO Bank and on dated

08.06.2022, Rs. 90,000/- were deducted from his credit card No. 4315810338673001 (Amazon Pay ICICI Card) and he sought legal action against the person who (unnamed) deducted the amount/money from his account. Accordingly, the abovesaid case FIR No. 166 came to be registered.

Upon issuance of notice of motion in this case, a Status Report by way of affidavit of Raj Singh, Deputy Superintendent of Police, Narnaund on behalf of respondent-State of Haryana was filed.

In the status report it is mentioned that during investigation it has been revealed that from the credit card of complainant, Rs. 90,000/- was paid to info RUNPAISE, which is run by Vasi Gateways Pvt. Ltd. and as per detail provided by the Director of Vasi Gateways Pvt. Ltd., the name of the customer was intimated as Manmohan (Petitioner). It is stated in the report that petitioner Manmohan was arrested on 11.06.2022 and then the petitioner suffered a disclosure statement wherein he named one Happy who committed the fraud and Happy gave him Rs. 30,000/-. Thereafter, even Happy was arrested on 12.06.2022, who also suffered disclosure statement who stated regarding the fraud committed and got recovered two mobile phones and laptop from his house.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case and he is not named in the FIR. It is submitted that the petitioner has not committed any fraud with the account of the complainant and it was co-accused Happy who deposited an amount of Rs. 90,000/- in his account. It is further submitted that the offences in this case are triable by Magistrate and the case is based on documentary evidence. Learned counsel has also referred to section 437(6) of Cr.P.C. to contend that in case triable by Magistrate, if the trial of a person accused of any non-bailable offence is not concluded within a period of sixty

days from the first date fixed for taking evidence in the case, such person shall, if he is in custody during the whole of the said period, then he be released on bail. Learned counsel for petitioner submits that the petitioner has been in custody since 13.06.2022, challan has already been presented on 08.08.2022 and the charges have also been framed on 05.09.2022. It is next submitted that the petitioner is not involved in any other case and the petitioner is ready to abide by all the conditions as may be imposed by this Court or by the trial Court; accordingly prayer for grant of regular bail is made.

Per contra, learned State counsel opposes the plea of petitioner for grant of regular bail on the ground of seriousness of the offence, however, it is not disputed that the petitioner is in custody since 13.06.2022, investigation in this case is complete and Challan was submitted against petitioner on 08.08.2022 and even charges have been framed on 05.09.2022. It is further stated that there are total 8 witnesses out of which none had been examined and that the petitioner is not involved in any other case.

I have heard learned counsel for the parties and perused the paper book, status report, as well as the custody certificate filed by learned State counsel, in Court today.

In this case, the petitioner has been in custody for the last more than 8 months. Investigation in this case is complete, Challan was submitted against petitioner on 08.08.2022 and Charges have been framed in this case on 05.09.2022. There are total 8 witnesses cited, out of which none had been examined. The trial is likely to take some time and no useful purpose would be served by keeping the petitioner behind the bars.

Keeping in view the aforementioned circumstances, the instant petition is allowed and the petitioner is ordered to be released on regular bail

subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Illaqa Magistrate/Duty Magistrate concerned. However, the concerned Station House Officer shall be informed about the release of petitioner and the petitioner shall inform the concerned Station House Officer about his address at which he intends to reside during the pendency of case and any change in the address shall also be communicated to the concerned Station House Officer, forthwith. The petitioner would also furnish his telephone number to the concerned Station House Officer. He would also furnish his undertaking to the effect that he will not indulge in any illegal activity.

Nothing expressed hereinabove shall be construed to be an observation on merits of the case and the facts and circumstances recorded above are only for consideration of the prayer for bail at this stage.

The petition is accordingly disposed of.

02.03.2023*Himani***(HARSH BUNGER)
JUDGE**

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| 1. Whether speaking/reasoned : | Yes/No |
| 2. Whether reportable : | Yes/No |