

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

CRM-M-58836-2022(O&M)
Date of Decision: March 23, 2023

SACHIN

..... Petitioner

Versus

STATE OF HARYANA

..... Respondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Raghav Sharma, Advocate for petitioner.
Mr. Ramesh Kumar Ambavta, A.A.G., Haryana.

HARKESH MANUJA, J. (ORAL)

By way of present petition filed under Section 439 Cr.P.C., prayer has been made for grant of regular bail in case FIR No. 281 dated 25.04.2022 registered under Sections 406, 420 (201, 120-B added later) IPC and Section 10 and 24 of Emigration Act.

As per allegations levelled against the petitioner in FIR, he took some money from complainant to send his son abroad. It has been further submitted that though the petitioner got visa for the son of complainant, however while travelling to Indonesia, he was stopped by the Immigration authorities at the airport under the pretext that the visa was fake. The complainant has further submitted in the FIR that despite having provided the assurance for arranging expenditure for the return of his son, no such effort was ever made and the complainant had to arrange the same on his own. On the aforesaid allegations, the petitioner was arrested.

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Learned counsel for petitioner submits that the investigation in the present case already stands concluded with the filing of challan on 01.10.2022 and charges were framed on 16.12.2022. He further submits that out of 12 witnesses, none has been examined so far; whereas the petitioner who has now been on interim bail granted by this court, remained in custody for more than five months. Learned counsel further submits that petitioner has already deposited Rs.2,00,000/- in order to show his bona fide which have even been released in favour of complainant. He again submits that the trial is likely to take some time and thus, no useful purpose would be served by putting the petitioner behind the bars.

On the other hand, learned State counsel assisted by Mr. J.S. Virk, Advocate for complainant vehemently opposes the prayer made in the petition while submitting that the petitioner is habitual offender and there are other cases pending against him which are of similar nature.

Learned counsel for complainant also submits that petitioner is even trying to implicate the complainant and his family members in different criminal cases so as to put pressure on him for the purpose of entering into some kind of settlement.

I have heard learned counsel for parties and have gone through the paper-book.

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I find that once the investigation already stands concluded with the filing of challan, even charges have been framed and the petitioner has remained in custody for more than 5 months, investigation is over, no useful purpose would served by extending his incarceration as trial is likely to take some time, particularly, when none of the prosecution witnesses has been examined so far despite the charges having been framed on 16.12.2022.

More than that the petitioner and other accused Amarjeet have jointly deposited Rs.4,00,000/- so as to show their bona fide which already stands released in favour of complainant, though, the same is no doubt subject to outcome of trial. As regards submission made on behalf of complainant with respect to complaint made against him by Amarjeet, the same is pending consideration before the Court of JMIC Kurukshetra and thus, it may not be appropriate at this stage to opine about its merit.

Without commenting upon merits of present petition, the same is allowed. Petitioner is ordered to be released on trial subject to his furnishing of adequate bail bonds/surety bonds to the satisfaction of the trial Court/Illaqa Magistrate/Duty Magistrate.

23.03.2023
tejwinder

(HARKESH MANUJA)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>

