

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-61003 of 2022(O&M)
Date of Decision: 29.04.2023

Suresh Kumar

...Petitioner

Versus

State of Haryana

...Respondent

CORAM :HON'BLE MR. JUSTICE KARAMJIT SINGH

Present:- Mr. Gautam Dutt, Advocate
For the petitioner.

Mr. Naveen Sheoran, DAG Haryana.

KARAMJIT SINGH, J.

1. The present petition has been filed by the petitioner under Section 439 Cr.P.C. seeking regular bail in case having FIR No. 276 dated 06.10.2022, registered under Sections 406, 420 read with Section 34 IPC at Police Station Bass, Police District Hansi, District Hisar, to which offence under Sections 384 and 506 IPC were added lateron.

2. The allegations in brief are that the petitioner and his co-accused lured complainant to deposit amount with them with assurance that in return double amount will be given to the complainant by them. In this manner, the complainant invested Rs.17.5 lakhs with the accused persons and lateron the complainant also took an amount of Rs.12.5 lakhs from his friend Naresh and deposited the same with the accused persons. Thereafter, the petitioner and his co-accused failed to return the said amount and also

did not pay any interest. During investigation the petitioner was arrested by the police.

3. The counsel for the petitioner submits that the petitioner has been falsely implicated in the present case and is presently lodged in custody since 06.10.2022 and is having no criminal history. The counsel for the petitioner further submits that during investigation police recovered amount of Rs.17.5 lakhs alleged to be belonging to complainant and Rs.12.5 lakhs belonging to Naresh, from both the accused and later on the said amount has been handed over to the complainant and Naresh on sapurdari by the Court concerned vide order dated 07.01.2023 and the copy of the said order is placed on record. The counsel for the petitioner further submits that it will take considerable time for the trial to conclude. So, prayer is made that the petitioner be released on regular bail.

4. The present petition is contested by the State counsel who submits that the petitioner and his companion defrauded complainant and Naresh Kumar of Rs.30 lakhs. However, the State counsel has not disputed the fact that the petitioner is in custody since 06.10.2022 and that amount of Rs.11,86,500/- recovered from the accused persons which is claimed by complainant is already returned to the complainant on sapurdari while another amount of Rs.10 lakhs recovered from the accused persons, claimed by Naresh is returned to said him on sapurdari by the Court concerned.

5. I have considered the submissions made by counsel for the parties.

6. Admittedly, all the offences are triable by the Court of Judicial Magistrate Ist Class and the petitioner is in custody for the last more than 6 months and is having no criminal history. Out of the disputed amount, an amount of Rs.11,86,500/- is already taken back by the complainant while amount of Rs.10 lakhs has been taken back by Naresh on the basis of order dated 07.01.2023 passed by the learned Trial Court. It will take considerable time for the trial to conclude. In the given circumstances, no purpose is going to be served by detaining the petitioner in custody for any longer period.

7. Thus, without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

(KARAMJIT SINGH)
JUDGE

29.04.2023

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