

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

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CRM-M-53701-2019
Date of decision : 02.02.2023

Hari Kishan Lal

Petitioner

V/S

State of Haryana

Respondent

CORAM : HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present: Mr. P.S. Jammu, Advocate for
Mr. Vikas Bishnoi, Advocate
for the petitioner.

Mr. Munish Sharma, Asstt. A.G., Haryana
for the respondent-State.

ASHOK KUMAR VERMA, J. (ORAL)

The petitioner has filed the present petition under Section 439 read with Section 437(6) of the Code of Criminal Procedure, 1973 for grant of regular bail in case FIR No.375 dated 20.09.2018 registered under Sections 420, 406, 120-B and 34 of the Indian Penal Code, 1860 and Sections 3, 4, 5 and 6 of the Prize Chit Fund and Money Circulation Scheme (Banning) Act, 1978 at Police Station Sadar Fatehabad, District Fatehabad.

The above-said FIR was registered on a complaint made by complainant-Mohan Lal against Future Vision company and its Directors Harkishan Kamboj (the petitioner), Amar Singh Jangra and Jaswinder Kaur wife of the petitioner for committing act of cheating and usurping the amount. The accused persons visited the complainant and disclosed him about plan floated by Future Vision Company and convinced him that in case he would invest therein then he would get

three times the returns on the investment value. On their allurements, the complainant handed over an amount of Rs.3,80,000/- in cash to the petitioner and co-accused Amar Singh Jangra. Thereafter, he made payment of Rs.80,000/- which was got transferred for him. The accused had committed cheating with the complainant for total amount of Rs.5,00,000/-.

Learned counsel for the petitioner has submitted that the petitioner has been falsely implicated in the present case. The investigation in the instant case has not been carried out in a proper manner. The petitioner is not involved in any other case. The petitioner was in custody since 25.10.2018. Challan has been presented and charges have been framed vide order dated 22.07.2019. Out of 77 prosecution witnesses only 18 have been examined so far and the trial is moving at snail's pace which is not likely to be concluded in near future. No useful purpose will be served by further detention of the petitioner in custody. Keeping in view the pace of trial and the fact that the petitioner already having undergone actual custody of 01 year and 11 months, he will be entitled for grant of regular bail.

On the other hand learned State counsel has opposed the present petition in terms of reply dated 20.01.2020 which is already on record. Learned State counsel submits that a sum of Rs.15,00,000/- and a Brezza Car, alleged to be purchased out of the earnings of the fraud committed by the petitioner, were recovered from him. During investigation it is found that the usurped amount is more than 50 lakhs.

Custody certificate dated 01.02.2023 has been filed by learned State counsel which is taken on record. As per the said custody

certificate, the petitioner is in custody for a period of last 1 year 11 months and 02 days and he is not involved in any other case.

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

Keeping in view the facts and circumstances of the case, nature of accusation against the petitioner, the period of his custody, the fact that the petitioner is not involved in any other case and also the fact that the trial is likely to take long time but without commenting on the merits of the case, I am of the considered view that the petitioner deserves the concession of regular bail.

Accordingly, the present petition is allowed and the petitioner-Hari Kishan Lal is ordered to be released on regular bail subject to furnishing his bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate concerned.

02.02.2023

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(ASHOK KUMAR VERMA)

JUDGE

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No