

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

253

2024:PHHC:022016
CRM-M-3435-2024
Date of decision: February 15, 2024

RAM KANWAR
...Petitioner

Versus

STATE OF HARYANA
...Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. S.K. Tada, Advocate
for the petitioner.

Ms. Trishanjali Sharma, Deputy Advocate General, Haryana.

MANJARI NEHRU KAUL, J. (ORAL)

1. The instant petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in case FIR No.603 dated 16.12.2022 (Annexure P-2) under Sections 406, 420, 468, 471 and 34 of the Indian Penal Code, 1860, registered at Police Station Gohana Sadar, District Sonapat.
2. Learned counsel for the petitioner *inter alia* contends that false allegations have been levelled against the petitioner in the FIR in question, which has been annexed as Annexure P-2, of having lured the complainant along with the co-accused into parting with a sum of Rs.5 lakhs on the pretext of providing him and his friends a job with the Indian Railways. Learned counsel submits that even as per the allegations levelled in the FIR in question, not even a single penny was handed over to the petitioner or transferred into his account; all the money transactions were between the complainant and the co-accused. Learned counsel for the petitioner has further submitted that since the challan stands presented and charges already stand frames, further incarceration

of the petitioner would serve no useful purpose as he has now been in custody since 29.09.2023.

3. *Per contra*, learned State counsel, while opposing the prayer and submissions made by the counsel opposite, has not controverted the submissions made by the learned counsel for the petitioner that no money was ever handed to the petitioner or transferred into his account, however, she submits that the petitioner along with the co-accused had lured the complainant to part with a huge amount of money after giving an undertaking that he and his friends would be provided with a Government job. Learned State counsel has also not disputed that the petitioner has clean antecedents and he is not involved in any other criminal case.

4. On a pointed query, learned State counsel, on instructions, has submitted that investigation in the case in hand is complete as challan stands presented and charges have also been framed. The next date of hearing before the learned trial Court is 16.02.2024, when the prosecution evidence is likely to commence.

5. I have heard learned counsel for the parties and perused the material placed on record.

6. In the aforementioned circumstances, further incarceration of the petitioner would serve no useful purpose as the trial would take considerable time to conclude. The petitioner is also not stated to be involved in any other criminal case.

7. In the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of bail to the petitioner. Accordingly, the instant petition is allowed; the petitioner be admitted to bail to the satisfaction of the trial Court/Duty Magistrate concerned.

8. 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.

February 15, 2024
Jaspreet Kaur

(MANJARI NEHRU KAUL)
JUDGE

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