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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-11671-2024
Date of decision:-18.04.2024

ANOOP SINGH

... Petitioner

Versus

STATE OF HARYANA

... Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY.

Present:- Mr. Amit Choudhary, Advocate for the petitioner.
Mr. Vishal Malik, DAG, Haryana.

SANJIV BERRY, J. (ORAL)

Learned State counsel has filed Custody certificate dated 16.04.2024, the same is taken on record, copy thereof, has been supplied to the counsel opposite.

2. The instant petition has been preferred by the petitioner under Section 439 of the Code of Criminal Procedure for grant of regular bail in the following case (Annexure P-1):-

FIR No.	Dated	Sections	Police Station
533	05.09.2023	34, 406, 420, 467, 468 IPC	Civil Lines, Hisar District Hisar

3. It is *inter alia* contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in this case on the allegations that he was partner of the main accused Manish. He submits

that the allegations have been levelled in the FIR are against the co-accused Manish and petitioner has no concern therein. He further contends that it is alleged in the FIR that said Manish had taken money from the complainant and also made a phone call to the complainant impersonating himself as Sanjeev and allured him on the pretext of providing him job. He contends that the petitioner has no transactions whatsoever with the complainant and is already in custody since 17.11.2023, hence he prays for grant of concession of bail.

4. *Per contra*, learned State counsel has not disputed the factual matrix of the case and submits that the petitioner is involved in the heinous crime whereby assurances were given to the complainant for providing him job and on this pretext hefty amount was taken from him. He however, submits that petitioner has been nominated on the basis of disclosure statement made by co-accused Manish against whom specific allegations have been levelled by the complainant. He submits that after completion of investigation, challan has already been presented in Court.

5. After considering the rival contentions and perusing the record, it transpires that instant FIR was registered on the complaint moved by Anil , Naveen, Manjeet and Naveen son of Ramesh alleging that they were allured by one Sanjeev from mobile phone No. 9992412553 that he will provide them job of Home Guard and for the same demanded ₹2.5 lac each. After some days he gave identity cards to the complainants and took ₹10,00,000/-. Thereafter one Sanjay alleging himself from the investigating agency informed the complainant that they would be caught for having paid bribe.

Thereafter, the complainant requested the accused to return the amount but he did not, hence the FIR. Admittedly, the petitioner is not named in the FIR but had been nominated on the basis of disclosure statement made by accused Manish against whom are the allegations of receiving money from the complainant. It is also not disputed that no amount was ever paid to the petitioner, nor is he alleged to have allured the complainant party. The petitioner is in custody since 17.11.2023, after completion of investigation challan has already been presented in Court, which will take sufficient long time for the trial to conclude in the present case triable by the Court of Magistrate so as to ascertain criminal liability, if any of the petitioner who is already on bail in another case.

6. Resultantly, without commenting on the merits of the case, it is observed that no purpose would be served by keeping petitioner behind bars. Therefore, the present petition is allowed. The petitioner is ordered to be released on bail subject to furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court concerned, if not required in any other case; undertaking to regularly appear on each and every date; not to leave the country without prior permission of the Court; and not to tamper with evidence of prosecution in any manner.

7. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

(SANJIV BERRY)
JUDGE

18.04.2024
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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |