

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-16759-2024
DECIDED ON: 10.04.2024

ABHIMANYU @ ABHI

.....PETITIONER

VERSUS

STATE OF HARYANA

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL.

Present: Mr. Raj Kumar Rana, Advocate
for the petitioner.

Mr. Gurbir Singh Dhillon, AAG, Haryana.

SANDEEP MOUDGIL, J (ORAL)

1. The jurisdiction of this Court under Section 439 Cr.P.C. has been invoked for the grant of regular bail to the petitioner in case FIR No. 91, dated 21.02.2021, under Sections 306, 420, 406, 467, 468, 471, 120-B, 201 and 204 IPC, registered at Police Station Meham, District Rohtak.

2. Learned counsel for the petitioner contended that the alleged SBI Insurance fraud, if any has taken place in the year 2016 with Inderjeet Singh father of the deceased and the afore-said FIR was got registered in the year 2021. It is further contended that the alleged suicide has taken place in the year 2021 i.e. after about 5 years of the alleged fraud meaning thereby, the essential ingredients of Section 306 IPC i.e. inducement and instigation is missing.

3. Custody certificate of the petitioner filed by learned State counsel is taken on record. He prays for dismissal of the present petition urging that the petitioner was the agent of LIC company, who has opened the account in the name of Ashok and utilize the amount of Rs.1,20,00,000/-. Though he could not

controvert the fact that the alleged fraud of Rs. 1,20,00,000/- has taken place in the year 2016 and the present FIR came to be registered at very belated stage i.e. after 5 years.

4. Heard, learned counsel for the respective parties.

6. Be that as it may, considering the fact that the petitioner has already suffered incarceration for a period of 3 months and 17 days and the fact that essential ingredients of Section 306 IPC is missing added with the fact that the challan stands presented on 07.03.2024 meaning thereby investigation is complete wherein total 69 prosecution witnesses have been cited by the prosecution and till date none has been examined so far, which is sufficient to infer this Court that conclusion of trial shall take considerable time, no useful purpose would be served by keeping the petitioner behind bars for an indefinite period, which would also violate the principle of right to speedy trial and expeditious disposal as enshrined under Article 21 of Constitution of India, as has been time and again discussed by this Court, while relying upon the judgment of the Apex Court passed in ***Dataram Singh vs. State of Uttar Pradesh & Anr. 2018(2) R.C.R. (Criminal) 131.***

7. In view of the discussions made hereinabove, the petitioner is directed to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of the Trial Court/Duty Magistrate, concerned.

8. The present petition is, hereby, allowed.

9. However, it is made clear that anything stated hereinabove shall not be construed as an expression of opinion on the merits of the case.

10.04.2024

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(SANDEEP MOUDGIL)
JUDGE