

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-18926-2024
DECIDED ON: 24.04.2024

MOHAN SINGH @ VICKYPETITIONER

VERSUS

STATE OF HARYANARESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Ms. Nisha Rana, Advocate for the petitioner.
Mr. G.S.Dhillon, AAG, Haryana.

SANDEEP MOUDGIL, J (ORAL)

This is a petition seeking regular bail in FIR No.358, dated 02.07.2022, under Sections 406/420 IPC registered at Police Station Baldev Nagar, Ambala.

Learned counsel for the petitioner contends that the petitioner has no role whatsoever in the commissioning of the offence and he is not a beneficiary in the alleged transaction which took place between the complainant and co-accused Vikram Tandon. It is also the case of the complainant himself that the present petitioner has introduced him to the co-accused Vikram Tandon with whom he entered into the said deal.

Notice of motion.

Learned State Counsel appearing on advance notice accepts the same on behalf of the State and has produced the custody certificate, the same is taken on record. Copy of the same has been supplied to the learned counsel for the petitioner. He submits that the petitioner was the mediator and has admittedly introduced the complainant to the main accused Vikram Tandon and that means he might be having interest and

consideration for alluring customers on behalf of the main accused Vikram Tandon. Apart from that, learned State Counsel is not able to point out any incriminating and cogent material at least for rejecting the instant petition.

Be that as it may, looking at the admitted facts that petitioner has not been shown as beneficiary to any amount whatsoever except his role i.e. introducing the complainant to the main accused Vikram Tandon; the petitioner has suffered incarceration on that account for a period of 4 months and 12 day; charges in the instant case were framed on 07.02.2024 and out of total 23 prosecution witnesses, none has come forth before the Trial Court to depose. The above mentioned facts are enough for this Court to infer that trial will take long time to conclude and on that account, petitioner cannot be detained behind the bars for an indefinite period which would amount to violation of Article 21 of the Constitution of India and is against the principle “Bail is a rule, jail is an exception” as elucidated in the judgement of Apex Court in “*Dataram Singh vs. State of Uttar Pradesh and another*;; (2018) 3 SCC 22”.

In view of the aforesaid discussions made hereinabove, the petition is disposed of and 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.

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

(SANDEEP MOUDGIL)
JUDGE

24.04.2024

anuradha

Whether speaking/reasoned

Whether reportable

Yes/No

Yes/No