

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

212

CRM-M-18782-2024
DECIDED ON: 24.04.2024

SANJEEV ALIAS SANJUPETITIONER

VERSUS

STATE OF HARYANARESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. L.K. Narang, Advocate for the petitioner.

Mr. B.S.Virk, Sr. DAG, Haryana.

SANDEEP MOUDGIL, J (ORAL)

This is a petition seeking regular bail in FIR No.103, dated 16.02.2023, under Sections 420 IPC, 1860 and Section 3 of the Haryana Protection of Interest of Depositors and Financial Establishment Act, 2013 (Section 120-B, 201 and 406 IPC added later on) registered at Police Station Bhiwani Sadar, District Bhiwani.

Learned counsel for the petitioner contends that he has not been named in the FIR and otherwise also subsequent thereto after his nomination as an accused on the basis of disclosure statement by co-accused-Ankit and no specific role is coming forth to connect the petitioner with the commissioning of the instant offence.

It has been further argued on behalf of learned counsel for the petitioner that the main accused Ankit on whose disclosure statement the petitioner was arrayed as an accused has been granted bail by this Court vide order dated 22.04.2024 passed in CRM-M-18291-2024.

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. As per the custody certificate, the petitioner is behind the bars for last 8 months and 26 days. He on instructions seeks dismissal of the instant petition urging that the petitioner is involved in other case i.e. FIR No. 104/2023 dated 16.02.2023 under Sections 406/420/201 IPC and under Section 3 of HPIDFE Act, 32 of 2014 HPID Act, registered at P.S. Sadar Bhiwani and is not on bail in that case.

Be that as it may, in light of the fact that the petitioner was nominated on the basis of disclosure statement of co-accused Ankit in the present FIR who has been released on bail. As far as the pendency of other cases and involvement of the petitioner in other cases is concerned, reliance can be placed upon the order of this Court rendered in CRM-M-25914-2022 titled as ***“Baljinder Singh alias Rock vs. State of Punjab”*** decided on 02.03.2023, wherein, while referring Article 21 of the Constitution of India, this Court has held that no doubt, at the time of granting bail, the criminal antecedents of the petitioner are to be looked into but at the same time it is equally true that the appreciation of evidence during the course of trial has to be looked into with reference to the evidence in that case alone and not with respect to the evidence in the other pending cases. In such eventuality, strict adherence to the rule of denial of bail on account of pendency of other cases/convictions in all probability would lend the petitioner in a situation of denial the concession of bail.

On a query put by this Court, learned State Counsel informs the Court that charges are framed on 10.01.2024 wherein 20 prosecution witnesses have been cited in the challan and out of which, 6 have been examined so far. For the reasons mentioned in the above mentioned bail order dated 22.04.2024 and the discussions made therein above, 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.

Petition is disposed of.

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

24.04.2024

anuradha

Whether speaking/reasoned

Whether reportable

Yes/No

Yes/No

(SANDEEP MOUDGIL)
JUDGE