

CRM-M-22507 of 2024

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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2024:PHHC:089362



CRM-M-22507 of 2024
Date of Decision:- 17.07.2024

Neel Kamal @ Neel Dhiman

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr.Shailender Kashyap, Advocate
for the petitioner.

Mr.Amit Rana, Sr.DAG, Punjab.

MANJARI NEHRU KAUL, J. (Oral)

1. Instant petition has been filed by the petitioner seeking concession of regular bail in case FIR No.253 dated 01.09.2023 under Sections 406, 420, 120-B, IPC and Section 4, 5, 12, 18, 76 76(2) Chit Funds Act, 1982 Section 21 and 23 of the Banning of Unregulated Deposit Schemes Act, registered at Police Station Zirakpur, District SAS Nagar (Mohali).

2. Learned counsel for the petitioner has argued that he has been in custody since 04.11.2023 in a case of false implication. After his arrest, investigation qua him is complete and challan stands presented. It has further been submitted that the petitioner was not even named in the FIR in question; he was named as an accused subsequently in a supplementary statement made by the complainant on 20.11.2023, after almost 2-1/2 months of the lodging of the FIR in question. It has been asserted by the learned counsel that even as per the case of the prosecution, there was no monetary

transaction between the petitioner and the complainant and not even a penny was ever deposited in his account. Learned counsel has still further submitted that though he is involved in another case in the State of Himachal Pradesh wherein similar allegations have been leveled against him, however, he has since been enlarged on bail vide Annexure P-3.

3. Per contra, learned State counsel while opposing the prayer and submissions made by counsel opposite, has not disputed that the petitioner was neither named in the FIR in question nor did any monetary transaction took place between the petitioner and the complainant. It has also not been disputed that investigation in the present case is complete as challan stands presented. However, learned State counsel, on instructions from ASI-Parampreet Singh, has submitted that name and role of the petitioner in the crime in question was disclosed in the supplementary statement made on 21.11.2023 wherein it came to light that he was one of the promoters of the company of the prime accused, who had since fled the country. It has also not been disputed by the learned State counsel that the petitioner has since been enlarged on bail in the case registered against him in the State of Himachal Pradesh.

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

5. Investigation qua the petitioner is complete and the challan stands presented; the petitioner was not named in the FIR in question and there no monetary transaction ever took place between the petitioner and the complainant. None of the 48 prosecution witnesses have been examined till

date. Hence the possibility of the trial concluding in the near future is unlikely.

6. In the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of regular bail to the petitioner. Accordingly, the instant petition is allowed. The petitioner be admitted to bail subject to the furnishing of heavy surety to the satisfaction to the trial Court/Duty Magistrate concerned.

7. 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.

17.07.2024
sd

(MANJARI NEHRU KAUL)
JUDGE

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