



**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M-24471-2024

DATE OF DECISION: 20.05.2024

ISHWANT

...PETITIONER

Versus

STATE OF HARYANA

... RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. R.S. Randhawa, Advocate for the petitioner(s).
Mr. Chetan Sharma, DAG, 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. 103, dated 16.02.2023, under Section 3 of the Haryana Protection of Interest of Depositors in Financial Establishment Act, 2013 and Sections 420, 406, 201 and 120-B of the Indian Penal Code, 1860, registered at Police Station Bhiwani Sadar, District Bhiwani.

2. Learned counsel for the petitioner would contend that during investigation the police officials could not detect any amount involved in the incident, which could have been deposited in the bank account of the petitioner. Further assertion is that even the allegations made in the FIR are taken to be true as a gospel truth then also no offence is made out against the petitioner. He vehemently contends that, to constitute an offence under Section 420 IPC, the intent at the initial stage to cheat has to be established, which is totally missing herein, as there is no detection of



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any amount, which could have been deposited in the account of the petitioner. Moreso, the petitioner has not earned any benefit out of the alleged transaction. He further submits that similarly situated co-accused Ankit has already been granted benefit of bail by this Court vide order dated 22.04.2024 passed in CRM-M-18291-2024 and since then, there is no progress in the trial

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 is a habitual offender, who is also involved in three other cases but is not in a position to controvert that similarly situated co-accused Ankit has already been granted benefit of bail by this Court and since then, there is no progress in the trial.

4. Heard, learned counsel for the respective parties.

5. Be that as it may, considering the fact that no recovery is to be effected from the petitioner, who has already suffered incarceration of 9 months and 17 days and similarly situated co-accused has already been granted bail by this Court, added with the fact that after framing of charges on 10.01.2024, wherein total 20 prosecution witnesses have been cited by the prosecution and till date only six have examined, which is sufficient for this Court to infer 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



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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.*'

6. As far as the contention of learned State counsel with regard to pendency of 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, this Court observed that pendency of other FIRs involving the accused-petitioner cannot be a predicament to consider the case for anticipatory bail or regular bail, as the evidence of the material involved in those FIRs can be treated in those cases alone and not material in instant FIR against the accused-petitioner to hold him guilty.

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

8. The present petition is, hereby, allowed in the afore-said terms.

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.

(SANDEEP MOUDGIL)
JUDGE

20.05.2024
anuradha

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No