

208-1

2024:PHHC:103316



CRM-M-26970-2024 (O&M)

-1-

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

CRM-M-26970-2024 (O&M)

Date of decision: 09.08.2024

Ishwant

....Petitioner.

Versus

State of Haryana

....Respondent.

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present:- Mr.R.S. Randhawa, Advocate,
for the petitioner.

Mr. Ramender Singh Chauhan, AAG, Haryana.

.....

SANJIV BERRY, J. (ORAL)

CRM-30148-2024

Keeping in view the averments made in the application,
documents are taken on record as Annexures P-10 to P-11 subject to all
just exceptions.

2. Disposed of.
3. Registry to tag the same at appropriate place.

Main case

Custody certificate dated 07.08.2024 filed in Court today
is taken on record.



CRM-M-26970-2024 (O&M)

-2-

2. Instant petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR (Annexure P-1). Details of the FIR are as under: -

FIR No.	Dated	Sections	Police Station
0104	16.02.2023	3 of the Protection of Interest of Depositors in Financial Establishment Act 2013 and 420 of IPC (406, 201, 192, 193 IPC added lateron)	Sadar, District Bhiwani

3. It is, *inter alia*, contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in this case. He refers to the statement of the complainant recorded as PW-2 during the course of trial to submit that it clarifies the fact that in fact it was the co-accused, namely Ishwar, who had been receiving payment and the petitioner was sent on different occasions to his house for bringing the payment and handing over to Ishwar. He contends that the petitioner, apart from the carrier have no role in the alleged transaction nor the petitioner is any beneficiary of all such transactions. He contends that the amount received by the petitioner from the complainant was given to said Ishwar who has since been granted concession of bail vide order dated 29.01.2024 passed in CRM-M-58897-2023, ‘*Ishwar vs. State of Haryana*’.

4. *Per contra*, learned State counsel, referring to the reply dated 05/08.07.2024 has submitted that the petitioner had played active

**CRM-M-26970-2024 (O&M)****-3-**

role in the transaction and as per the allegations, he had received an amount of Rs. 8.00 lacs from the complainant. As such, he does not deserve concession of bail.

5. Considering the respective arguments and perusing the record, it transpires that as per the allegations levelled in the FIR, the petitioner had received Rs. 8.00 lacs from the complainant. Although it has come in the statement of the complainant appearing as PW-2 that one co-accused, namely Ishwar, used to take money from him and to pay interest thereon and also used to send the petitioner for collecting money from him. After conclusion of investigation, challan has already been presented in the Court and out of 27 witnesses, as cited by the prosecution, 13 witnesses have been examined. The petitioner is in custody since 27.07.2023 and the conclusion of trial to ascertain the criminal liability, if any, will take sufficient long time and in these circumstances, it is observed that no purpose would be served in detaining the petitioner in custody any longer to face the incarceration till the conclusion of trial. Accordingly, without commenting on the merits of the case, instant petition is allowed and the petitioner is ordered to be released on bail on his furnishing surety bonds/bail bonds to the satisfaction of Trial Court/Duty Magistrate.

6. The petitioner shall give the undertaking that he will not leave the country without prior permission of the Court; will regularly appear before the trial Court on each and every date; in case of



CRM-M-26970-2024 (O&M)

-4-

some exigency, he will seek prior permission of the concerned Court qua his exemption to appear on the date fixed and he will not tamper with evidence of prosecution in any manner.

7. However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is only meant for the purpose of decision of present petition.

8. Petition stands allowed.

9. Pending miscellaneous application, if any, also stands disposed of.

09.08.2024
preeti

(SANJIV BERRY)
JUDGE

- | | | |
|-----|----------------------------|--------|
| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |