

CRM-M-28222-2024 (O&M)

2024.PHHC.136434



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

220

CRM-M-28222-2024 (O&M)
Date of Decision: 18.10.2024

Naveen Kumar

.....Petitioner

Versus

State of Haryana

.....Respondents

CORAM: HON'BLE MR. JUSTICE ALOK JAIN

Present: Mr. Harminder Singh, Advocate for the petitioner.

Mr. Sharan Sethi, Addl. A.G., Haryana.

ALOK JAIN, J. (Oral)

1. The present second petition is for grant of regular bail to the petitioner in case FIR No.25 dated 18.01.2022 under Sections 120-B, 406, 420, 467, 468, 471 and 201 of IPC, registered at Police Station Manesar, District Gurugram.

2. Learned counsel for the petitioner submits that there is no direct allegation against the petitioner in the FIR and he has been implicated only on the ground that certain amounts were received in his account from the main accused and admittedly the investigation authorities have stated that the said amount was returned to the main accused-Parveen Yadav. The petitioner was serving as an Assistant Commander in NSG and is now facing departmental proceedings which he has not been able to defend and moreso, he has been in custody for the last more than 02 years and 08 months. He further submits that neither the trial is progressing nor



even a single witness has been examined till date.

3. *Per contra*, learned State counsel has filed a custody certificate, which is taken on record, and vehemently opposed the grant of bail to the petitioner, who has played a pivotal role in the execution of the offence. He further submits that all the accused connived with each other and it was the present petitioner who misused his position while working as an Assistant Commander in NSG and created a situation whereby the petitioner and other co-accused got unlawfully gain from the complainant. However, he could not deny the fact that single witness has not been examined till date.

4. Faced with the above, learned counsel for the petitioner has submitted that petitioner be put to heavy surety and has volunteered that the petitioner is ready to deposit an F.D.R. of Rs.3 lacs before the learned trial Court and he shall not jump the bail or procrastinate the trial and in case, he fails to appear before the learned trial Court on the date of hearing without any sufficient cause and/or without moving an application for exemption, the said amount shall be forfeited in favour of the State.

5. Heard learned counsel for the parties.

6. In the light of above and considering the facts that the petitioner has been in custody for more than 02 years, 08 months and 02 days, and also the fact that the prosecution has not examined even a single witness till date and the petitioner has also volunteered to deposit a sum of Rs.3 lacs by way of an F.D.R., coupled with the fact that the trial is likely to take time, no useful purpose would be served by keeping the petitioner in custody. Therefore, the petitioner is entitled to the concession of regular



bail.

7. Without commenting upon the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail, if not required in any other case, subject to his depositing a sum of Rs.3 lacs by way of an F.D.R. of some Nationalized Bank before the learned trial Court and on his furnishing bail and surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned. He shall, however, be released on the following conditions:

- ❖ Petitioner shall declare his ordinary place of residence and the mobile number used by him.
- ❖ Petitioner will not switch off his mobile and in case of any technical glitch, he has to give an alternate number, which will be available in his absence.
- ❖ Petitioner will mark his presence before the SHO concerned, after every 15 days and in case the SHO refuses to mark his presence, he is permitted to make an application before the Illaqa Magistrate, concerned.
- ❖ Petitioner will not leave the country without the prior permission of the Court, for which he has to submit the copy of his passport also. However, in case, the petitioner does not possess a valid passport, then he shall file an undertaking to the said effect before being released.

8. The petitioner shall abide by the terms and conditions as imposed in addition to the provisions of Section 439 Cr.P.C 1973.

9. However, nothing stated above shall be construed as a final



expression of opinion on the merits of the case and this order shall not be considered as parity qua any other co-accused in any manner whatsoever.

10. It is made clear that, in case, the petitioner is found involved in any such activity once again, the State is at liberty to promptly move an appropriate application for cancellation of bail detailing out the circumstances and violation of the condition(s) of bail.

11. The amount of Rs.3 lacs shall be kept as an F.D.R. and in case, the petitioner is held guilty and any fine is imposed upon him, the same shall be adjusted from the said amount and in case, the petitioner is acquitted in the present FIR, the said principal amount shall be refunded to the petitioner within four weeks from the date of order of acquittal, if any.

(ALOK JAIN)
JUDGE

18.10.2024
D.Bansal

Whether speaking/reasoned:-	Yes/No
Whether Reportable:-	Yes/No