

112 (3 cases)

2024:PHHC:131261



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-30146-2024
Date of decision: 03.10.2024

KAPIL @KAPIL MIDHA	Versus	Petitioner
STATE OF HARYANA		...Respondent

CRM-M-37053-2024

RISH AND RISHI KUMAR	Versus	Petitioner
STATE OF HARYANA		...Respondent

CRM-M-37108-2024

REETU	Versus	Petitioner
STATE OF HARYANA		...Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. S.S.Gill, Advocate
for the petitioner in CRM-M-30146-2024

Mr. Sanchit Punia, Advocate,
for the petitioner in CRM-M-37053-2024

Mr. C.S.Jattana, Advocate,
for the petitioner in CRM-M-37108-2024

Mr. Rajesh Gaur, Addl.A.G., Haryana

KULDEEP TIWARI. J.(Oral)

1. Since all the petitions are arising out of a common FIR, and a common relief of 'regular bail' has been sought therein, therefore, being amenable for common decision, same are taken up together.
2. In the instant case, the allegation against the present petitioners, is

that they after hatching a conspiracy, duped the complainant-Sandeep Kumar, for an amount of Rs.9,94,102/-.

3. In asking for the relief (*supra*), learned counsel for the petitioners submit that all the offences in the FIR, are triable by a Judicial Magistrate Ist Class.

4. They further submits that the petitioners-Kapil and Rishi Kumar, are the first time offenders, whereas petitioner-Reetu, is involved in 05 other criminal cases, however, she is on bail in some of the matters.

5. They also submits that petitioner-Reetu, has already returned an amount of Rs.4.00 lakhs to the complainant, after registration of the instant FIR.

6. They in addition submits that the petitioners have suffered incarceration of about 6 months, as on today, and till date only charges have been framed by the learned trial court concerned.

7. *Per contra*, the learned State counsel, vociferously opposed the grant of regular bail to the petitioners, and has placed on record custody certificates *qua* all the petitioners, which reflects that the petitioners have suffered incarceration of about 06 months as on today. Petitioners-Kapil and Rishi Kumar are stated to be not involved in any other criminal cases, whereas petitioner-Reetu is shown to be involved in 05 other criminal cases.

8. He further, on instructions imparted to him by the police official concerned, informs this Court that, out of the total 16 prosecution witnesses cited by the prosecution, none has been examined till date, whereas, the charges were framed on dated 14.08.2024.

9. This Court has heard the learned counsel for both the parties concerned, and has gone through the entire case file.

10. Be that as it may be, considering the fact that the petitioners have suffered incarceration of 06 months, as on today, and the conclusion of trial would take a long time, as out of the total 16 prosecution witnesses, cited by the prosecution agency, none has been examined so far, and the petitioner-Reetu has already returned Rs.4.00 lakhs to the complainant, coupled with the fact that all the offences are triable by a court of Judicial Magistrate Ist Class, this Court deems it appropriate to grant the concession of regular bail to the petitioners, during the pendency of trial. Therefore, without commenting upon the merits and circumstances of the present case, the present petitions are **allowed**. The petitioners are ordered to be released on bail, on furnishing of their respective bail bond and surety bond to the satisfaction of concerned Chief Judicial Magistrate/trial Court/Duty Magistrate.

11. However, it is clarified that if in future, the petitioners are found indulging in commission of similar offences, as are involved herein, the respondent-State shall be at liberty to make an appropriate application seeking cancellation of regular bail, as granted by this Court. Moreover, anything observed here-in-above shall have no effect on the merits of the trial and is meant for deciding the present petitions only.

12. All pending application(s), if any, also stand **disposed** of accordingly.

13. A photocopy of this order be placed on the file of the connected case.

03.10.2024
dharamvir

(KULDEEP TIWARI)
JUDGE

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