



CRM-M-30997-2024

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

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Date of Decision : July 08, 2024

PRASHANT YADAV

.....Petitioner

VERSUS

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Akshay Kumar Dahiya, Advocate
for the petitioner.

Mr. Bhupender Singh, DAG, Haryana.

KULDEEP TIWARI, J. (Oral)

1. Through the instant petition filed under Section 439 Cr.P.C. the petitioner prays for grant of regular bail in case FIR No.07 dated 05.01.2023, Under Sections 406/420 IPC, registered at Police Station Murthal, District Sonipat, Haryana.

2. The case of the prosecution, as set up against the present petitioner, is that the petitioner under the pretext of getting job to 3 persons in the Indian Air Force, cheated the complainant and other victims for an amount of Rs.20,00,000/-. The petitioner is working as CPL with the Indian Air Force, and victims believed the version as put forth by the petitioner, and transferred the said amount through various bank transactions in the account of the present petitioner, and his wife Shikha. The petitioner also handed over joining letters to the victims, which were subsequently found to be fake.



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3. Learned counsel for the petitioner in the asking for the grant for the relief of regular bail, submits that infact the complainant is the real cousin of the wife of the present petitioner, and he has received Rs.31,45,000/- as loan amounts from the complainant Ashish Yadav and some of the amount was got transferred by the complainant from his colleagues namely Pankaj and Azad. He further submits that infact he has returned Rs.35,00,000/-, through various bank transactions in the account of Ashish Yadav, Pankaj and Azad. He also submits that the allegations of taking money on the pretext of getting Government job in the Indian Air Force is absolutely false, and finally he submits that the petitioner is behind bars since 06.03.2024, and he is a Government employee, and the offences under which the petitioner is facing trial are triable by the Court of Judicial Magistrate Ist Class, and the trial is yet to begin. He also submits the petitioner is not involved in any other criminal case.

4. Learned State counsel on the other hand has opposed the grant of regular bail to the petitioner on the ground that he is the only accused, as other 3 accused persons who are named in the FIR, were found to be innocent during investigation, and they have been put in column no. 2. He further submits that the statements of star witnesses, are yet to be recorded, therefore, the petitioner may not be enlarged on regular bail.

5. Be that as it may, this Court has examined the contentions made by the learned counsel for the parties concerned, and is of the view that the petitioner deserve to be released on regular bail as the offences



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under which the petitioner is facing trial are exclusively trial by the Court of Magistrate, and the petitioner is behind bars since 06.03.2024. The final report has already been filed, and no prosecution witness out of 24, as cited in the final report, has been examined till date, therefore, the conclusion of trial would take long time and considering the fact that the petitioner is not involved in any other case, this Court deems it fit and appropriate to extend the benefit of regular bail to the petitioner. Therefore, the present petition is **allowed**.

5. The petitioner is ordered to be released on bail on furnishing of bail bonds and surety bonds to the satisfaction of concerned Chief Judicial Magistrate/trial Court/Duty Magistrate.

6. However, anything observed here-in-above shall have no effect on the merits of the case and is meant for deciding the present petition only.

(KULDEEP TIWARI)
JUDGE

July 08, 2024
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Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No