

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-33396-2023

Date of decision:- 18.01.2024

HARISH KUMAR

.....PETITIONER

VERSUS

STATE OF HARYANA

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Rajesh Bansal, Advocate,
for the petitioner.

Mr. G.S. Dhillon, AAG, Haryana.

SANDEEP MOUDGIL, J (ORAL)

The jurisdiction of this Court under Section 439 Cr.P.C. has been invoked for grant of regular bail to the petitioner in FIR No.0396, dated 14.09.2022 under Section 120-B, 406 and 420 IPC (later on added Sections 467, 468, 471 IPC) registered at Police Station Pehowa, District Kurukshetra.

Counsel for the petitioner has contended that the petitioner has been falsely implicated in the present case and there is no iota of evidence against the petitioner to connected him with the commission of offences as alleged by the prosecution. He further contended that no specific role has been attributed by the petitioner and petitioner is behind bar since 05.12.2022.

Learned State counsel has filed the custody certificate of the petitioner, which is taken on record. He has contended that the petitioner

induced several persons to invest money in Crypto World Trading Company and with that modus operandi, he usurp huge amount of money. It is asserted that recovery of Rs.16 lacs has already been effected from the petitioner. Thus, he prays for dismissal of the present petition stating that the petitioner is a habitual offender as is evident from the custody certificate and there is every likelihood that he will again indulge in such cases and will befool the innocent people.

Be that as it may, the investigation in the present case stands completed, the recovery whatsoever also stands effected from the possession of the petitioner and after framing of charges on 29.03.2023 out of total 110 prosecution witnesses, none has been examined so far, which is enough to infer this Court that trial will certainly take long time, therefore, the petitioner cannot be detained for an indefinite period which would also curtail his right to life and liberty, as enshrined under Article 21 of Constitution of India and is against the principle "bail is rule and jail is an exception".

As far as the pendency of other cases is concerned as has been stated by learned State counsel, no doubt, at the time of granting bail, the criminal antecedents of the petitioner are to be looked into but at the same time it is equally true that the appreciation of evidence during the course of trial has to be looked into with reference to the evidence in that case alone and not with respect to the evidence in the other pending cases. In such eventuality strict adherence to the rule of denial of bail on account of pendency of other cases/convictions in all probability would lend the petitioner in a situation of denial of the concession of bail.

In view of the aforesaid discussions made hereinabove, the petitioner is directed to be released on regular bail on his furnishing bail and

surety bonds to the satisfaction of the trial Court/Duty Magistrate, concerned.

However, it is made clear that anything stated hereinabove shall not be construed as an expression of opinion on the merits of the case.

18.01.2024

Sham/ramandeep singh

(SANDEEP MOUDGIL)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No