

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

201 CRM-M-34752-2023 (O&M)
Date of decision: 14.03.2024

Naveen Kumar ..Petitioner

Versus

State of Haryana ..Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present: Mr. Ramnish Puri, Advocate for the petitioner.

Mr. Jagdish Manchanda, Addl. AG, Haryana.

AMAN CHAUDHARY, J.

1. Prayer in the present petition filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in FIR No.12 dated 10.01.2022, registered under Sections 120-B, 406, 420, 467, 468, 471 IPC, at Police Station Manesar, District Gurugram.
2. Learned counsel contends that the petitioner is in custody for last 2 years and 1 month. He is brother-in-law of the main accused Parveen Yadav, who is in custody. The allegation against the petitioner that 1.25 crore had been transferred to his account. The offences are triable by Magistrate. Co-accused Rituraj Yadav (wife of the petitioner) has been granted bail in all the five cases registered against her, his father namely Kamal Singh, has also been granted regular bail. Charges were framed on 20.03.2023, however, none out of 106 witnesses, has been examined so far. He is involved in three cases, in one of which i.e. FIR No.10, dated 09.01.2022, he has been granted regular bail on the basis of being in custody for 1 year, 9 months. Reliance is placed on the judgment

of Hon'ble The Supreme Court in **Maulana Mohd. Amir Rashadi vs. State of U.P. and others**, 2012(2) SCC 382.

3. The custody certificate dated 12.03.2024, filed by learned State counsel is taken on record, as per which, the petitioner is behind bars for 2 years and 25 days.

4. Learned State counsel opposes the bail on the ground that there was a bank transaction in the account of the petitioner by the main accused. He is however unable to controvert the submissions made regarding the stage of the trial, the petitioner being on bail in one case and co-accused have been granted regular bail.

5. Heard.

6. Hon'ble The Supreme Court in the case of **Maulana Mohd. Amir Rashadi** (Supra) had held that, "As observed by the High Court, merely on the basis of criminal antecedents, the claim of the second respondent cannot be rejected. In other words, it is the duty of the Court to find out the role of the accused in the case in which he has been charged and other circumstances such as possibility of fleeing away from the jurisdiction of the Court etc." Reiterating in **Prabhakar Tewari vs. State of UP and another**, (2020) 11 SCC 648, it was observed that, "The offence alleged no doubt is grave and serious and there are several criminal cases pending against the accused. These factors by themselves cannot be the basis for refusal of prayer for bail."

7. Considering the facts and circumstances of the case, in particular that the petitioner is in custody for last 2 years and 25 days; on bail in one case; co-accused have been granted bail; it is a case of Magisterial trial; though charges have been framed on 20.03.2023,

however, no prosecution witness out of a total of 106 has yet been examined; the trial is likely to take a considerable time, thus his further incarceration would not serve any useful purpose, the present petition for grant of regular bail deserves to be allowed.

8. As a result, the present petition is allowed. The petitioner is ordered to be released on regular bail, subject to his furnishing bail/surety bonds to the satisfaction of trial Court/Duty Magistrate concerned and subject to his not being required in any other case. The petitioner shall abide by the following conditions:-

- (i) The petitioner will not tamper with the evidence during the trial.
- (ii) The petitioner will not pressurize/ intimidate the prosecution witnesses.
- (iii) The petitioner will appear before the trial Court on each and every date fixed, unless is exempted by a specific order of Court.
- (iv) The petitioner shall not commit an offence similar to the offence of which, he is an accused, or for commission of which he is suspected of.
- (v) The petitioner shall not directly or indirectly coerce, induce, threaten or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer or tamper with the evidence in any manner.
- (vi) The petitioner shall not in any manner misuse his liberty.
- (vii) The petitioner shall furnish his address and mobile number to the Trial Court forthwith and shall not change the same till the conclusion of the trial and in case for any reason, the petitioner seeks to change any of the aforesaid, the same shall be done only with prior intimation to the learned Trial Court, stating the reason for the same.
- (viii) The petitioner shall not leave the country without prior permission of the trial Court.
- (ix) The trial Court/Duty Magistrate may impose any other condition, as deemed appropriate while releasing the petitioner.

- (x) The petitioner shall appear before the police station concerned on the first Monday of every month till the conclusion of the trial and inform in writing each time that he is not involved in any other crime other than the cases mentioned in this case.
- (xi) The petitioner (or anyone on his behalf) shall prepare an FDR in the sum of Rs.3,00,000/- and deposit the same with the trial Court. The same would be liable to be forfeited as per law in case of the absence of the petitioner from trial without sufficient cause.

9. It is made abundantly clear that in case there is any breach of the aforesaid conditions, the State shall be at liberty to seek cancellation of bail as granted to the petitioner by this order.

10. In view of the above, it is clarified that the observations made herein are limited for the purpose of present proceedings and would not be construed as an opinion on the merits of the case and the trial would proceed independently of the aforesaid observations.

14.03.2024
ashok

(AMAN CHAUDHARY)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No