

CRM-M-39918-2023-1-2024:PHHC:029089

106+216IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-4926-2024 in/and
CRM-M-39918-2023
Date of Decision: 29.02.2024

Lalit...Petitioner

State of Haryana...Respondent

vs.

Coram : Hon’ble Mr. Justice N.S.Shekhawat

Present : Mr. Navraj Singh Mahal, Advocate
for the petitioner.

Ms. Sheenu Sura, DAG, Haryana.

N.S.Shekhawat J. (Oral)

CRM-4926-2024

1. Application is allowed as prayed for. Annexures P-7 to P-9 are taken on record.

CRM-M-39918-2023

1. The petitioner has filed the instant petition under Section 439 of the Cr.P.C. with a prayer to grant regular bail in case FIR No.115 dated 17.09.2019 registered under Sections 420, 467, 468, 471 and 506 of IPC, at Police Station Sector-29, Industrial Area, Panipat.
2. The FIR in the present case was registered on the basis of the statement made by Govind Singh son of Gyan Singh with the allegations that the accused had committed cheating of Rs.97,49,700/- with the investors and the forged cheques have been issued to the investors. It was further alleged that

different amounts were received by way of investment from the investors with the false assurance that the said amount alongwith interest will be refunded to the investors in installments every month. However, neither the amount was returned nor the commitment was fulfilled and all the cheques were dishonoured. With these broad allegations, the FIR was got registered by the complainant in the present case.

3. Learned counsel for the petitioner contends that in the present case, about 75 FIRs were ordered to be registered against the present petitioner. However, in view of the orders passed by the Hon'ble Supreme Court in Writ Petition (Criminal) No.197 of 2021 titled as "Satinder Singh Bhasin Vs. The State of Uttar Pradesh and another", all the FIRs have been merged with criminal case arising out of FIR No.206/2019. He further contends that the petitioner was arrested in the present case on 07.07.2022 and is in custody since then. He further contends that all the offences in the present case are triable by the Court of Magistrate and the conclusion of the trial may take quite a long time.

4. On the other hand, learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner on the ground that serious allegations have been levelled against the present petitioner and the petitioner is not entitled to be released on bail.

5. I have heard the learned counsel for the parties and perused the record.

6. In the present case, the petitioner is in custody since 07.07.2022 and is in custody since then. The final report under Section 173 Cr.P.C. has

already been presented against him. Apart from that, the petitioner is in custody for the last about more than 01 year and 6 months and further custody of the petitioner will not serve any meaningful purpose.

7. Without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate, concerned, subject to the following conditions:-

- (i) The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, so as to dissuade him to disclose such facts to the Court or to any other authority.
- (ii) The petitioner shall remain present before the Court on the dates fixed for hearing of the case.
- (iii) The petitioner shall not absent himself from the Court proceedings except on the prior permission of the Court concerned.
- (iv) The petitioner shall surrender his passport, if any, (if already not surrendered), and in case he is not holder of the same, he shall swear an affidavit to that effect.
- (v) The petitioner shall also file his affidavit before the concerned Court, mentioning his ordinary place of residence and number of mobile phone, which shall be used by him during the pendency of the trial. In case of change of place of residence/mobile number, he shall share the details with the concerned Court/learned Trial Court.
- (vi) In case, the petitioner involves in any other criminal activity, during the pendency of the trial, it shall be viewed seriously.

- (vii) The concerned Court may insist on two heavy local sureties and may also impose any other condition, in accordance with law, while accepting the bails bonds and surety bonds of the petitioner.
- (viii)The petitioner shall report every 1st and 3rd Monday in English calander month before the concerned SHO till the conclusion of the trial and SHO shall mark his presence by making an entry in the rojnamcha. In case, he does not report on every 1st and 3rd Monday before the concerned SHO, it shall be viewed seriously and the concession granted to him shall be liable to be cancelled and the State of Haryana shall be at liberty to move an appropriate application in this regard.

29.02.2024.
hemlata

(N.S.SHEKHAWAT)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No