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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-37765-2024
Date of decision:-31.08.2024

KAPIL

... Petitioner

Versus

STATE OF HARYANA

... Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY.

Present:- Mr. S.K.Verma, Advocate for the petitioner.
Mr. Surender Singh, AAG, Haryana.

SANJIV BERRY, J. (ORAL)

Learned State counsel has filed reply by way of affidavit dated 30.08.2024 of Deputy Superintendent of Police, Women Safety, Jind District, Jind alongwith custody certificate dated 07.08.2024 the same are taken on record. Copies thereof, have been supplied to the counsel opposite.

2. Arguments heard.
3. The instant petition has been preferred by the petitioner under Section 483 of the Bharatiya Nagrik Suraksha Sanhita, 2023 (BNSS) for grant of regular bail in the following case (Annexure P-1):-

FIR No.	Dated	Sections	Police Station
24	19.01.2024	406 and 420 IPC	Civil Line Jind, District Jind.

4. It is *inter alia* contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in this case. He contends that petitioner is not having any criminal antecedents and has been



arrested in this case on 24.06.2024 and since then he is in custody. He submits that the petitioner is not beneficiary of any transaction, nor he had introduced the complainant in any manner. He contends that even as per the FIR only allegations against the petitioner is that he has introduced the complainant to the accused Sunita in whose account amount of ₹2 lakhs was transferred by the complainant. He contends that the challan has already been presented in Court, hence he prays for grant of concession of bail to the petitioner.

5. *Per contra*, learned State counsel referring to the reply dated 30.08.2024 submitted by the State has opposed the bail application. He on instructions from SI Rajkamal submits that the amount in question had been transferred in the account of Sunita. He contends that the prosecution has cited 7 witnesses but till date none has been examined.

6. After considering the rival contentions and perusing the record, it is evident from the custody certificate dated 07.08.2024 that the petitioner is not facing any other criminal case. The allegations against the petitioner are that he has introduced Sunita to the complainant, however there is nothing on record that the petitioner is beneficiary of said transaction as admittedly the amount in question was transferred to the account of Sunita by the complainant, this fact is also mentioned in the reply filed by the State. Admittedly after completion of investigation challan has already been presented in Court wherein prosecution has cited 7 witnesses. The conclusion of trial to ascertain criminal liability, if any, of the petitioner in a case triable by the Court of Magistrate, will take sufficient long time.

7. In these circumstances, without commenting on the merits of the case, it is observed that no purpose would be served by keeping petitioner

behind bars any longer. Therefore, the present petition is allowed. The petitioner is ordered to be released on bail subject to furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court concerned, if not required in any other case; undertaking to regularly appear on each and every date; not to leave the country without prior permission of the Court; and not to tamper with evidence of prosecution in any manner.

8. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

(SANJIV BERRY)
JUDGE

31.08.2024

Gyan	i)	Whether speaking/reasoned?	Yes/No
	ii)	Whether reportable?	Yes/No