



218

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

CRM-M-45108-2024**Date of Decision: 18.09.2024**

Ankush

...Petitioner

vs.

The State of Haryana

...Respondent

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

Present : Mr. B.S.Saroja, Advocate
for the petitioner.

Ms. Sheenu Sura, DAG, Haryana.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the instant petition under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 with a prayer to grant regular bail in case FIR No.84 dated 29.03.2023 registered under Sections 420 & 120-B of IPC, at Police Station Civil Line, District Jind.

2. The FIR in the present case was registered on the basis of the complaint moved by Narender, Branch Manager of ICICI Bank. As per him, the petitioner and other accused had availed gold loans from ICICI Bank by pledging fake ornaments and they had cheated the Bank.

3. Learned counsel for the petitioner contends that the petitioner had obtained the loan by pledging pure gold articles and even the videography of the entire process was conducted. The jewellery was examined by a goldsmith and it was found to be genuine. He further contends that the petitioner is in custody since 01.04.2023 and after completion of investigation, challan has already been presented before the Court. He further contends that so far, no



witness has been examined by the prosecution and further custody of the petitioner will not serve any meaningful purpose.

4. On the other hand, learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner on the ground that the gold pledged by the petitioner was found to be fake and the petitioner is involved in a serious crime.

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

6. In the present case, all the offences are triable by the Court of Magistrate and the petitioner is in custody for the last more than 01 year and 05 months. Moreover, the petitioner is not involved in any other case and is the first offender. Since no witness has been examined so far, there are no chances of conclusion of the trial in near future.

7. Consequently, 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.

18.09.2024.
hemlata

(N.S.SHEKHAWAT)
JUDGE

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