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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-50820-2023 (O&M)
Date of decision: 09.01.2024

Balbir

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Radhey Shyam Sharma, Advocate
for the petitioner.

Mr. Vishal Kashyap, DAG, Haryana.

KARAMJIT SINGH, J. (ORAL)

1. The present petition has been filed under Section 439 of Cr.P.C. for grant of regular bail to the petitioner in case bearing FIR No.171 dated 03.03.2022 registered at Police Station Asandh, District Karnal under Sections 406, 420, 467, 468 and 471 of IPC (Sections 409 and 120-B IPC added later on).
2. There are allegations against the petitioner and other accused that they opened fake portal of *Meri Fasal Mera Byora* and committed fraud against the government. The petitioner was arrested on 30.05.2023 in the present case.
3. The counsel for the petitioner inter alia contends that the petitioner has been falsely implicated in the present case and he was not

named in the FIR and was later on nominated as accused on the basis of disclosure statement made by co-accused Ram Dutt. It is further contended that all the offences are triable by the Judicial Magistrate, Ist Class and the alleged recoveries are already effected and it will take considerable time for the trial to conclude. It is further submitted that co-accused Deepak Sharma @ Rinku and one another Deepak Sharma are already enlarged on bail by the co-ordinate Bench of this Court vide orders dated 16.12.2023 and 19.12.2023. It is further submitted that on completion of investigation police has presented challan but the trial is at its initial stage so no purpose is going to be served by keeping the petitioner in custody for any longer period.

4. The present petition is resisted by the State counsel who on instructions from SI Rajbir submitted that the petitioner and other co-accused de-frauded the government by creating fake portal. However, the State counsel has not disputed the fact that the petitioner who is having no criminal history was not named in the FIR and was later on arrayed as accused on the basis of disclosure statement made by co-accused.

5. I have considered the submissions made by counsel for the parties.

6. Admittedly, the petitioner was not named in the FIR and was nominated as accused on the basis of disclosure statement made by co-accused. The petitioner was arrested on 30.05.2023 and certain amount was recovered from him during the investigation of the case. The police has presented the challan, on completion of investigation but the trial is at its initial stage and is not going to be concluded in the near future. All the

offences are triable by the Court of Judicial Magistrate, Ist Class and the petitioner is having no criminal history. In the given circumstances, no purpose will be served by prolonging the judicial custody of the petitioner.

7. Consequently, the present petition is allowed and the petitioner is ordered to be released on regular bail on furnishing bail bonds/surety bond to the satisfaction of trial Court/Duty Magistrate concerned.

8. However, anything observed herein above shall not be treated as an expression of opinion on merits of the case.

9. Pending applications, if any, shall also stand disposed of.

09.01.2024

Yogesh

(KARAMJIT SINGH)
JUDGE

Whether speaking/reasoned:-
Whether reportable:-

Yes/No
Yes/No