

2024:PHHC:130715



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM M-48285 of 2024
Date of Decision: 01.10.2024

Mahender ...Petitioner
Versus
State of Haryana ... Respondent

CORAM : HON'BLE MR. JUSTICE N.S.SHEKHAWAT

Present : Mr. Harish Chhabra, Advocate, for the petitioner.
Mr. Rajinder Kumar Banku, DAG, Haryana.

N.S.SHEKHAWAT, J. (Oral)

1. The petitioner has filed the instant petition under Section 483 of the BNSS, 2023 with a prayer to grant a regular bail in case FIR No.439 dated 20.06.2024 registered under Sections 406 and 420 of IPC at Police Station City Sirsa, District Sirsa.
2. The FIR in the present case has been registered on the basis of the complaint moved by Pritam Singh and the same has been reproduced below:-

“Office of Superintendent of Police, Diary No. 39-SSC dated 18.06.2024 Samahan Shiver Ms 350/SS date 18.06.2024 To Hon'ble Chief Deputy Commissioner Sir Office through Deputy Commissioner Sirsa. Sub: Application for taking legal action against 1. Ankit resident of Fatehpuria District Sirsa mobile number

999230078 2. Pawan residents Bhuna District Sirsa mobile number 7988881298. Sir, the applicant is Pritam Singh son of Puran Singh resident of Dhani Satnam Singh Rania and prayed for: 1. That I am law abiding and peace living person and doing labour for livelihood of his family: 2. In the month of March 2004, some boy at Rania had informed me that accused Ankit @ Pawan is arranging loan on Aadhaar card PAN card. As I was in need of money, so I contacted Ankit and on 07.03.2024 accused Ankit and Aman visited our house and taken me to Sirsa at Deol mobile shop in his car. They had taken my Aadhaar card and PAN card. By way of deception, they purchased an iPhone 15 128GB EMI number 351433053372583 on loan from Bajaj Finance upon my IDs whose value was Rs 74,900-00. Accused person told me that you will be paid money on tomorrow evening. Believing upon both the accused, I had waited one or two days. Thereafter, when I made a call to them, their phone was switched off. In this way, both the accused in collusion with each other, have committed cheating upon me. I have made complaint in this regard to SP Sirsa vide number 16682PU dated 15th of April 2024, but no action has been taken till date. You are hereby requested to take legal action against the accused person and provide me justice. I shall never pray for this kindness. Dated 18.06.2024”.

3. Learned counsel for the petitioner contends that the petitioner was not named in the FIR nor there is any averment in the FIR which even remotely connects the petitioner with the commission of the crime. He further contends that during the course of

investigation, Ankit @ Pawan was arrested on 10.07.2024 and he had named the petitioner as one of the accused in the present case. Learned counsel further contends that except the disclosure statement suffered by Ankit @ Pawan, there is no other legally admissible evidence against the petitioner. The petitioner was arrested in the present case on 20.07.2024 and the recovery of one I phone was planted on him. After completion of the investigation, the challan has already been presented before the Court on 17.08.2024. Moreover, the offences in the present case are triable by the Court of Magistrate and the petitioner is a first offender.

4. On the other hand, learned State counsel has vehemently opposed the prayer made by the learned counsel for the petitioner on the ground that there are serious allegations against the petitioner and the petitioner is not entitled for the concession of regular bail

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

6. The petitioner is continuing in custody for the last more than two months. After completion of investigation, the challan has already been presented against him on 17.08.2024. Moreover, the prosecution has not been able to produce any evidence to show that the petitioner is in a position to influence the witnesses of the prosecution or there are any chances of fleeing from the process of justice. Thus, the petition deserves to be allowed by this Court.

7. In view of the above, without commenting any further on the merits, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate/CJM concerned.

01.10.2024
amit rana

(N.S.SHEKHAWAT)
JUDGE

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