

201



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

CRM-M-7063-2025
Date of Decision: **13.02.2025**

PARVEEN KUMAR

.....Petitioner

VERSUS

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Fateh Saini, Advocate,
for the petitioner

Mr. Rajesh Gaur, Addl.A.G., Haryana

KULDEEP TIWARI, J.(Oral)

1. Through the instant petition, the petitioner craves for indulgence of this Court for his being enlarged on regular bail, in case FIR No.101, dated 21.06.2024, under Sections 406 and 420 of IPC, 1860, and under Section 24 of the Immigration Act, (Section 370 IPC deleted later on), registered at Police Station Naggal, District Ambala.

2. The case of the prosecution was set up on the complaint made by one Harpal Singh. In the nutshell, the allegations in the FIR (*supra*), are that the petitioner alongwith his wife, cheated the complainant for an amount of Rs.10 lakh, on the premise of sending his son to USA, however, they instead of sending the complainant's son to USA, he was sent to Russia.

3. The learned counsel for the petitioner, in asking for the relief (*supra*) submits that during the course of investigation, Section 370 IPC was deleted.

4. He further submits that initially the instant FIR, was registered against the present petitioner, and his wife, however, during the course of investigation, the wife of the petitioner, was found innocent, and the final report was filed only against the present petitioner, on dated 23.12.2024.

5. He also submits that earlier the petitioner approached this Court by filing an anticipatory bail application, but the same was dismissed as withdrawn, and subsequently, he surrendered before the learned trial court concerned on dated 27.11.2024, and since then the petitioner is behind the bars.

6. Finally, he submits that the charges in the FIR (*supra*), were framed on dated 08.01.2025, and there is no progress in the trial, as out of the total 08 prosecution witnesses, none has been examined till date.

7. *Per contra*, the learned State counsel, has vociferously opposed the asked for relief to the present petitioner and has filed a custody certificate *qua* the petitioner today in court, which is taken on record. A perusal of the custody certificate reveals that the petitioner has suffered incarceration of 02 months and 15 days, as on today. He is stated to be involved in one other criminal case, however, as averred by learned counsel for the petitioner that he is on interim bail in that case, and furthermore, an amicable settlement has been arrived at, *inter se* the

parties, in that FIR, and *qua* that a quashing petition has also been filed before this Court.

8. He, on instructions, imparted to him by ASI Gurdev, submits that after conclusion of the investigation, the final report under Section 173 Cr.P.C., had already been filed on dated 23.12.2024, and thereupon, the learned trial court concerned, has framed charges against the present petitioner on 08.01.2025. He fairly concedes that out of the total 08 prosecution witnesses, none has been examined, till today.

9. Be that as it may be, considering the fact that; **(i) the petitioner has suffered incarceration of 02 months and 15 days, as on today; (ii) all the offences for which the petitioner is facing trial, are triable by the court Judicial Magistrate Ist Class; (iii) trial is not likely to conclude anytime soon as out of the total 08 prosecution witnesses as cited by the prosecution in the final report, none has been examined till date; (vi) though the petitioner is stated to be involved in one other criminal case, however, he has compromised the matter with the complainant in that case; (v) no fruitful purpose would be served by keeping the petitioner behind the bars, this Court deems it fit and appropriate to grant the concession of regular bail to the petitioner. Therefore, without commenting upon the merits and circumstances of the present case, the present petition is **allowed**. The petitioner is ordered to be released on bail on furnishing of bail bond and surety bond to the satisfaction of concerned Chief Judicial Magistrate/ trial Court/Duty Magistrate.**

10. However, anything observed here-in-above shall have no effect on the merits of the trial, and is only meant for deciding the present petition.
11. However, it is clarified that if in future, the petitioner is found indulging in commission of similar offences, as is involved herein, the respondent-State shall be at liberty to make an appropriate application seeking cancellation of regular bail, as granted by this Court.
12. All pending application(s), if any, also stand **disposed** of accordingly.

February 13, 2025
dharamvir

(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned. : Yes/No
Whether Reportable. : Yes/No