

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

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**CRM-M-1621-2020
Date of decision: 31.07.2020**

Manoj Kumar

.....Petitioner

versus

State of Haryana

....Respondent

CORAM: Hon'ble Mr. Justice Girish Agnihotri

Present: Mr. A.K. Bishnoi, Advocate
for the petitioner.

Mr. Vishal Malik, DAG, Haryana.

GIRISH AGNIHOTRI, J. (Oral)

The matter has been taken up through video-conferencing on account of lockdown due to outbreak of pandemic COVID-19.

Petitioner-Manoj Kumar, stated to be aged 49 years, has filed the present petition under Section 439 Cr.P.C., *inter alia* with a prayer for grant of regular bail in case FIR No.76 dated 07.02.2019 under Sections 420, 406 & 120-B of Indian Penal Code and Section 3 of the Haryana Protection of Interest of Depositors in Financial Establishment Act, 2013, registered at Police Station Model Town, Rewari, District Rewari, Haryana.

On 29.05.2020, this Court had passed the following order:-

“Petitioner-Manoj Kumar has filed the present petition inter alia with a prayer for grant of regular bail in case FIR No.76 dated 07.02.2019 under Sections 420, 406 & 120-B of Indian Penal Code and Section 3 of the

Haryana Protection of Interest of Depositors in Financial Establishment Act, 2013, registered at Police Station Model Town, Rewari, District Rewari, Haryana.

Learned counsel for the petitioner submits that the petitioner was arrested on 18.09.2019. It is submitted that the charges were framed on 11.11.2019. He further submits that the trial has not yet started also because of present COVID situation and the fact that there are 20 alleged accused and many of whom are yet to be arrested. Learned counsel secondly submits that there are no allegations that any money has directly gone in account of the petitioner through any bank transaction or through any negotiable instrument. He submits that only allegation is that the petitioner was working as an agent in the company, in which many people invested their money. He submits that main Directors of the company are yet to be arrested and accounts of the company have also been seized.

Learned State counsel however on the other hand submits that the investigation till now has shown that there are allegations by the complainant that an amount of Rs.11,00,000/- approximately, was paid by the complainants, in which, allegedly the petitioner was also involved. There are also counter documents which have come to notice, wherein, the petitioner was mentioned as Director of the company.

On the other hand, learned counsel for the petitioner submits that he has never remained the Director and if at all, some wrong order was passed by any authority including his name as Director, that was at the outset a wrong order which he can clarify. He further submits that due to present COVID situation, detention of the petitioner is dangerous to health of the petitioner.

In view of the peculiar circumstances of the case,

petitioner is granted interim bail till the next date of hearing, subject to his furnishing security in the form of bank guarantee/immovable property worth approximately Rs.6,00,000/- before the trial Court/Duty Magistrate. On furnishing the above security, the trial Court is at liberty to secure any other bail/surety bonds, if deem it appropriate.

List on 31.07.2020.”

Today, on instructions from ASI Sandeep Kumar, learned State counsel submits that challan has been presented, however, charges have not been framed yet. He then submits that the next date of hearing is 04.08.2020 for framing of charges. There are total of 20 witnesses, but none has been examined till date.

Faced with the situation, learned counsel for the petitioner submits that in this case, he was arrested on 18.09.2019, but, in an another case, he was already in custody since 07.02.2019. Counsel further submits that because of COVID-19 situation, the trial is likely to take some time and detention of the petitioner in jail would be dangerous to his life, hence, the petitioner may be granted concession of regular bail.

In view of the peculiar facts and circumstance as noticed above, considering the existing situation due to COVID and the fact that trial is likely to take time, this Court deems it appropriate to direct release of the petitioner on regular bail to the satisfaction of trial Court/Duty Magistrate concerned, subject to his furnishing bail/surety bonds. In addition to the above, the petitioner is directed to deposit security in the form of bank guarantee/immovable property worth approximately Rs.6,00,000/- before the trial Court/Duty Magistrate. However, it is made clear that anything

observed herein shall not be construed as an expression on merits of the case.

The petition stands disposed of accordingly.

**(GIRISH AGNIHOTRI)
JUDGE**

31.07.2020

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Whether speaking/ reasoned: Yes/No

Whether Reportable: Yes/No