

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

**CrI. Misc. No. M-10872 of 2015**

**Date of decision:27.05.2015**

Amit .... Petitioner

Versus

The State of Haryana .... Respondent

**CORAM: HON'BLE MS. JUSTICE NAVITA SINGH**

Present: Mr. R.S. Rai, Senior Advocate with  
Mr. Karan Pathak, Advocate for the petitioner.

Ms. Harpreet Kaur, AAG, Haryana.

Mr. Paul S. Saini, Senior Advocate with  
Mr. Raghav Gulati, Advocate for the complainant.

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**Navita Singh, J. (Oral)**

This petition has been moved by Amit under Section 439 of the Code of Criminal Procedure seeking regular bail in case FIR No.47 dated 2.2.2015 registered under Sections 420, 406 and 506 IPC at Police Station City Rohtak.

It is submitted on behalf of the petitioner that while he was in custody, document was prepared on 17.2.2015 but the signatures of the executant and the witnesses bore the date 4.2.2015. It would be clear that the document was prepared on 17.2.2015 because of the recital in that that the executant would be bound to pay an amount of Rs.11 lac by tomorrow, i.e. 18.2.2015.

It is further submitted that complaint regarding that was made by the wife of the petitioner and inquiry report was submitted by the

Superintendent of Police, Jhajjar to the Inspector General of Police, Rohtak stating that the place from where alleged recovery of Rs.6 lac was got made by the petitioner on the basis of disclosure statement could not be verified as no details were given and it was simply stated that the recovery was made from the house which had been taken on rent by the petitioner. No house number or other details were given.

Counsel for the complainant, however, submits that the matter is being reinvestigated on the basis of another complaint filed by the complainant and also that one complaint stands filed by wife of the petitioner against the witness of the receipt Pardeep Kumar and another by father of the petitioner against father of said Pardeep Kumar. It is further submitted that voice sample of the petitioner has been sent to FSL and report is awaited.

The case of the complainant that the petitioner had approached him stating that he was in dire need of money as he has taken huge loan from the Bank of Maharashtra and house had been put to auction for which reason, the complainant arranged an amount of Rs.98 lacs after collecting it from 4/5 other persons and paid the same to the petitioner and his father in cash.

Counsel for the petitioner submits that the story is, on the face of it, not worthy of credit because no one is expected to pay an amount of Rs.98 lacs without any proof in writing and that too after borrowing it from other people.

In view of peculiar facts and circumstances of the case, it is

ordered that the petitioner, who is in custody since 15.2.2015 shall be released on bail by the trial Court to its satisfaction. The complainant shall be at liberty to apply for cancellation of bail as and when the report of the voice sample is received, if the same goes in favour of the complainant.

Disposed of accordingly.

27.05.2015  
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**( NAVITA SINGH )**  
**JUDGE**