

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Crl. Misc. No. M-21667 of 2016

Date of decision : 28.06.2016

Parvinder Singh

... Petitioner

versus

State of Haryana

... Respondent

CORAM:- HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Mr. P.S. Sekhon, Advocate for the petitioner

Mr. Ashok S. Chaudhry, Addl. A.G. Haryana

ANITA CHAUDHRY, J. (ORAL)

The petitioner is seeking regular bail in FIR No. 52 dated 12.02.2016 registered at Police Station Baldev Nagar, Ambala, District Ambala under Sections 406, 420, 506 IPC.

Learned counsel for the petitioner urges that the complainant is working with Haryana police and the allegations are that he had paid Rs. 12.5 lacs for sending his son for higher studies and also for Visa and the petitioner had failed to get the Visa nor had returned the amount. It was urged that the amount of Rs. 9.5 lacs was only paid which was the fee and for documentation and Visa was rejected due to technical fault and the petitioner had applied for Visa for the second time by paying the expenses from his own pocket and had returned Rs. 7 lacs in cash and Rs. 1 lac was recovered at the time of his arrest and only Rs. 1.5 lac remained. It was urged that the cheque had been given for Rs. 5.5 lacs and the complainant had filed a complaint under the Negotiable Instruments Act for the entire amount. It was urged that the complainant has not been able to show that he had paid Rs. 12.5 lacs and there is no receipt and the investigation is over and challan has been presented.

The investigation is over and challan has been presented. There is a dispute as to whether the amount that was paid was Rs. 12.5 lacs or Rs. 9.5 lacs. A complaint under the Negotiable Instruments Act has already been filed by the complainant and is pending. The petitioner is in custody since 20.05.2016.

Without commenting anything on the merits of the case and considering the fact that the trial will take time to conclude, the petition is allowed

and the petitioner is ordered to be released on bail on his furnishing adequate bonds to the satisfaction of the trial Court/Duty Magistrate with the condition that the petitioner would not tamper with evidence.

June 28, 2016

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**(ANITA CHAUDHARY)
JUDGE**