

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-22165-2016

Date of decision: July 22, 2016.

Asit Kumar @ Abhishek Singh

... **Petitioner**

v.

State of Haryana

... **Respondent**

CORAM: **HON'BLE MR. JUSTICE A.B. CHAUDHARI**

Present: Shri Bhupinder Ghai, Advocate for the petitioner.

Ms. Tanushree Gupta, Deputy Advocate General, Haryana.

1. *Whether Reporters of local papers may be allowed to see the judgment ?*
2. *Whether to be referred to the Reporters or not ?*
3. *Whether the judgment should be reported in the Digest?*

A.B. Chaudhari, J. (Oral):

Notice of motion to the Advocate General, Haryana.

Heard learned Counsel for the rival parties. The petitioner is being prosecuted for offences under Sections 406, 420, 506 IPC registered vide FIR No.226 dated 6.4.2016 at Police Station Gohana City, District Sonapat. He was arrested on 9.4.2016.

Challan has been filed. Learned Counsel for the State submitted that the petitioner has to his credit similar type of offences of collecting money from the people with a promise to send them abroad and then duping them.

Learned Counsel for the petitioner states that the petitioner is a

permanent resident of Bhopal and has landed property over there. Learned Counsel for the State states that the petitioner is in the habit of committing offences of similar type in different States and he is frequently changing the address. In that view of the matter, I was not inclined to grant him regular bail, however, learned Counsel for the petitioner has pointed out to me a statutory order under Section 167(2) Cr.P.C. made by learned trial Judge releasing him on bail due to failure of the police to present the challan. He, however, contended that he could not prefer the bail bonds prescribed by the court and thereafter the court refused to accept the bail bonds.

In my opinion, the right granted by the statute to have liberty cannot be extinguished, as has been done by the trial court. Therefore, I am not inclined to grant him bail on merits. Since the petitioner was granted bail by a statutory order, I allow this petition. The petitioner is ordered to be released on bail to the satisfaction of the trial court.

It is made clear that if the petitioner fails to appear before the trial court on any date, this order shall come to an end automatically and the petitioner shall be taken into custody forthwith.

July 22, 2016.
kadyan

[A.B. Chaudhari]
Judge