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

**CRM No.35150 of 2016 IN/AND
CRM-M-33554 of 2016 (O&N)
Date of decision: November 09, 2016**

Sandeep Gupta

.....Petitioner

Versus

State of Haryana and another

.....Respondents

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

Present: Mr. Raman Chawla, Advocate for the petitioner.

Mr. A.S. Yadav, AAG Haryana.

Mr. S.K. Aggarwal, Advocate
for the applicant-respondent No.2-complainant.

A.B. CHAUDHARI, J (Oral)

CRM No.35150 of 2016

Heard.

Application is allowed as prayed for. Complainant is impleaded as respondent No.2. Amended memo of parties is taken on record. Short reply filed by the learned counsel for respondent No.2-complainant is taken on record.

CRM-M-33554 of 2016

Heard learned counsel for the rival parties.

In FIR No.172 dated 26.03.2016, under Sections 406, 409, 419, 420, 467, 468, 471, 506, 34 of Indian Penal Code, 1860, registered at Police Station City Sonipat, District Sonipat, the

petitioner was arrested on 26.06.2016 and is in Jail since then.

Undoubtedly, prima-facie, the petitioner appears to have committed fraud and cheating to the extent of ₹32 lacs by impersonating and the offences are serious in nature. The petitioner was arrested on 26.06.2016. Admittedly, the challan has been filed. Equally, the complainant ought to have been vigilant before making huge payment but then since the challan has been filed and the offences are triable by the Magistrate, the trial will take its own time. It will serve no purpose by continuing the detention of the petitioner in Jail as under trial till the trial is over. In that view of the matter, I am inclined to grant bail to the petitioner.

Hence, this petition is allowed. Petitioner be released on bail to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate concerned, subject to his surrendering passport with the trial Court as a pre-condition. The complainant is at liberty to join the trial for assisting the prosecution. The petitioner shall not tamper with the prosecution evidence nor threaten the prosecution witnesses.

(A.B. CHAUDHARI)
JUDGE

November 09, 2016

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Whether speaking/ reasoned: Yes/No

Whether Reportable: Yes/No