

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

**CRM-M-36032-2015 (O&M).
Decided on: January 11, 2016.**

Deepak Kalita

.. Petitioner(s)

VERSUS

State of Haryana

.. Respondent(s)

*** * ***

CORAM: HON'BLE MR.JUSTICE M.M.S.BEDI

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**PRESENT Mr.Atul Lakhanpal, Sr. Advocate, with
Mr.Arjun Lakhanpal, Advocate,
for the petitioner.**

Mr.C.S.Bakshi, Additional A.G., Haryana.

Mr.H.P.S.Ishar, Advocate, for the complainant.

M.M.S. BEDI, J. (ORAL)

Petitioner along with Phool Singh and Kuldeep Singh allegedly duped complainant Molu Ram and 10 other victims on the pretext of getting job for son of Molu Ram and also to arrange job for others. Petitioner though was not named in the FIR but during the course of investigation, co-accused Phool Singh in police custody made a confessional statement to the effect that he along with his son had been collecting money from the victims with false promises to get them job and had been depositing the amount in the account of the petitioner. As the petitioner remained a proclaimed offender, the co-accused of the petitioner namely Phool Singh and Kuldeep Singh were convicted by the Chief Judicial Magistrate, Fatehabad on 5.5.2014.

The circumstantial evidence available against the petitioner on the record appears to be the money transaction i.e., deposit of amount by Phool Singh in the account of the petitioner. The petitioner evaded appearance for a long period of about 2 to 3 years having been declared a proclaimed offender in the year 2013. He was arrested on 4.9.2015.

Taking into consideration the nature of the evidence collected against the petitioner, he can be granted the concession of bail but the circumstantial evidence available against him and he being a resident of Gauhati, are the circumstances which are not in favour of the petitioner. Striking a balance between the right of liberty of the

petitioner and the right of the prosecution agency to ensure that the petitioner is available for trial, I deem it appropriate to grant the concession of bail to the petitioner subject to the condition that he would be released on bail on his furnishing bail bonds for a sum of Rs.5 lacs to the satisfaction of the trial Court with two sureties of the same amount, out of which one surety should be a local surety. The petitioner will also deposit his passport, if any, in the Court, and he would not leave India during pendency of the trial and would furnish an affidavit that he would make available his residential address and the address where he would remain available during pendency of the trial.

In case of petitioner absenting without any sufficient reasons, it will be open to the prosecution agency or the complainant to seek cancellation of this order.

Petition stands allowed accordingly.

(M.M.S. BEDI)
JUDGE

January 11, 2016.
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