

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

CRM No. M-44344 of 2016

Date of decision:- December 19, 2016

RAJAN SHARMA

....PETITIONER..

VS.

STATE OF PUNJAB

....RESPONDENT..

CORAM:- HON'BLE MR. JUSTICE JASPAL SINGH

Present:- Mr. Kushagra Mahajan, Advocate,
for the petitioner.

Mr. G.S. Khandewad, DAG, Punjab.

Mr. Kawaljyot Singh, Advocate,
for the complainant.

JASPAL SINGH, J. (Oral)

Through instant petition preferred under Section 439 of the Code of Criminal Procedure (for short, "Cr.P.C."), petitioner-Rajan Sharma has sought concession of bail during pendency of trial, in case FIR No.103, dated 06.06.2012, under Sections 406 and 420 IPC, Police Station Division No.5, Jalandhar, District Jalandhar City.

2. Undoubtedly, on conclusion of the investigation, report under Section 173 (2) Cr.P.C. has already been presented in the Court of Id. Jurisdictional Magistrate and during trial the petitioner absented from the Court. Ultimately, he was declared proclaimed offender on 27.09.2013 as he remained at large for considerable period but he was arrested in this case on 14.10.2016 and since then he is suffering incarceration. The allegation against the petitioner is that he induced complainant Satpal for a sum of

Rs.3.50 lacs for sending him abroad and subsequently, when he was asked to return the amount, he issued three cheques. However, on presentation of those cheques, these were dishonoured and could not be encashed.

3. During the course of arguments, the petitioner showed his intention to deposit a sum of Rs.1.75 lacs i.e. 50% of the total amount of Rs.3.5 lacs alleged to have been taken by the petitioner and today, learned counsel for the petitioner has handed over a demand draft of Rs.1.75 lacs to Mr. Kawaljyot Singh, Advocate for the complainant.

5. The disposal of challan would take considerable time as it is still at initial stage.

6. Taking into consideration the aforesaid aspects but without expressing any opinion on the merits of the case, the petition is allowed and petitioner is ordered to be released on bail, during pendency of trial, at the satisfaction of trial Court/Duty Magistrate.

December 19, 2016
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(JASPAL SINGH)
JUDGE

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No