

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-13145 of 2017
Date of Decision: 16.05.2017

Rohit

....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Sandeep Arora, Advocate
for the petitioner.

Ms. Bhavna Gupta, DAG, Punjab.

SURINDER GUPTA, J.(Oral)

The present petition has been filed under Section 439 Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 166 dated 15.11.2016 registered for offences punishable under Sections 406 and 420 of Indian Penal Code (for short, "IPC") at Police Station Model Town, District Hoshiarpur.

Heard.

As per allegations in FIR, petitioner was working as agent of his brother, namely, Deepak, who owned firm M/s D.S. Enterprises and cheated so many persons with allurements to send and settle them abroad. The petitioner was arrested on 23.01.2017 and is in judicial custody since then.

Learned counsel for the petitioner submits that the petitioner has no concern with the business of his brother and even if allegations of complainant that he was his agent be believed still main accused is Deepak, who has not been arrested so far and proceedings to declare him proclaimed

offender are pending.

Learned State counsel submits that firm M/s D.S. Enterprises was jointly owned by petitioner and Deepak. However, no such evidence could be collected by the police as the premises of office are lying locked and the same has now been sealed by the police. Challan against the petitioner has been presented.

In view of above but without expressing any opinion on merits of the case and keeping in view the fact that conclusion of trial will take considerably long time, the present petition is allowed. Petitioner-Rohit is ordered to be released on regular bail on furnishing bail bond and surety bond to the satisfaction of concerned trial Court/Chief Judicial Magistrate/Duty Magistrate, subject to following terms:-

- (a) The petitioner shall comply with the conditions mentioned in Section 437(3) Cr.P.C.
- (b) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn. The trial Court shall be competent to cancel his bail bond and surety bond and proceed to procure his presence in accordance with law. In that eventuality the petitioner shall have to apply for bail afresh.
- (c) He shall not leave the country without the previous permission of the Court.

May 16, 2017
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No