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

CRM-M-1446 of 2017

Date of decision: March 22, 2017

Vish Chaudhary alias Vishawjeet

.....Petitioner

Versus

State of Haryana

.....Respondent

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

Present: Mr. Ankur Lal, Advocate for the petitioner.

Ms. Tanushree Gupta, DAG Haryana.

A.B. CHAUDHARI, J (Oral)

Heard learned counsel for the rival parties.

This is a petition for grant of regular bail in FIR No.146 dated 23.05.2015, under Sections 420, 467, 468, 471, 120-B of the Indian Penal Code, 1860 (for short 'IPC') (Sections 467, 468, 471 IPC deleted later on), registered at Police Station Butana, Karnal. Petitioner was arrested 28.11.2016 and is in jail since then.

It is not in dispute that the FIR in question was registered pursuant to the order made by the learned Magistrate under Section 156(3) of the Code of Criminal Procedure, 1973 (for short 'Cr. P.C.'). As on date, learned counsel for the complainant is not in a position to show full compliance with the mandatory provisions of Sections 154 (1) and 154(3) of Cr. P.C. as mentioned in Paras 26 and 27 of the judgment of the Hon'ble Supreme Court in the case of **Mrs. Priyanka**

Srivastava and another versus State of U.P. and others, 2015 (2)

R.C.R. (Criminal) 1034. In that view of the matter, prima-facie, case is made out for grant of regular bail all the more so because offences are triable by the Magistrate. The detention of the petitioner is not necessary in the matter.

Learned counsel for the complainant has vehemently opposed the petition for grant of regular bail to the petitioner, on the ground that an amount of ₹20 lakhs was given to the petitioner by the complainant.

Be that as it may, the issue regarding amount of ₹20 lakhs can be taken up by the complainant with the appropriate legal advice before the appropriate forum.

In that view of the matter, this petition is allowed. Petitioner is ordered to be released on bail, subject to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate concerned. The petitioner shall not tamper, influence and threaten the prosecution witnesses and complainant as well.

(A.B. CHAUDHARI)
JUDGE

March 22, 2017

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Whether speaking/ reasoned: Yes/No

Whether Reportable: Yes/No