

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

CRL. MISC. No.M-18817 OF 2017
DATE OF DECISION : 2nd JUNE, 2017

Gulshan Kumar

.... Petitioner

Versus

State of Haryana

.... Respondent

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

* * * *

Present : Mr. R. S. Cheema, Senior Advocate with
Mr. R. K. Trikha, Advocate for the petitioner.

Ms. Tanushree Gupta, DAG, Haryana.

Mr. Manvinder Singh Sidhu, Advocate for the complainant.

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A. B. CHAUDHARI, J. (ORAL)

The petitioner has filed the present petition under Section 439 Cr.P.C. seeking bail in FIR No.41 dated 12.01.2017 registered under Sections 379, 420, 467, 468, 471, 120-B & 201 IPC at Police Station Udyog Vihar, District Gurgaon.

Heard learned counsel for the rival parties.

The petitioner was arrested in this FIR on 31.01.2017 and since then he is in jail.

It is the case of the prosecution that the petitioner along with Maninder Singh in a conspiracy siphoned an amount of ₹1,25,00,000/- (one crore, twenty five lacs only) from the account of the complainant. It is stated that Maninder Singh was Ex-employee of the company of the complainant and having stolen the cheque he got money deposited in the account of the petitioner.

It is a matter of trial as to the process under which and the reasons for which the petitioner received the amount in his account but then it is seen and admittedly as stated by counsel for the complainant that the amount which was transferred in the account of the petitioner, has been received back by the complainant prior to the registration of FIR. Utmost it said to be an attempt. It is therefore, not necessary that the petitioner should be continued to be detained as under trial, particularly when the case is triable by the Magistrate. Challan in this case has been filed before the competent Court.

In that view of the matter, I am inclined to grant regular bail to the petitioner. Hence I make the following order:

ORDER

- (i) The CRL. MISC. No.M-18817 OF 2017 is allowed.
- (ii) The petitioner be released on bail to the satisfaction of the concerned CJM/Duty Magistrate.
- (iii) The petitioner shall not tamper or influence the prosecution witness(es).
- (iv) In case of violation of the above condition the liberty is reserved to apply for cancellation of bail.

2ND JUNE, 2017
'raj'

(A. B. CHAUDHARI)
JUDGE

<i>Whether speaking/reasoned</i>	:	<i>Yes</i>	<i>No</i>
<i>Whether Reportable</i>	:	<i>Yes</i>	<i>No</i>