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

**CRM-M No.45981 of 2016(O&M)
Date of Decision: 16.03.2017**

Surender Singh

.....Petitioner

Vs

State of Haryana

.....Respondent

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present:Mr. Manish Soni, Advocate
for the petitioner.

Mr. P.P. Chahar, DAG, Haryana.

RAJ MOHAN SINGH, J.(Oral)

CRM No.7358 of 2017

For the reasons mentioned in the application, the same
is allowed.

Accompanying documents are taken on record.

Main case

Petitioner seeks grant of regular bail under Section 439
Cr.P.C in case bearing FIR No.152 dated 30.06.2015 registered
under Sections 420, 467, 468, 471 of IPC and Section 24 of
Immigration Act, 1984 at Police Station Loharu, District Bhiwani.

The FIR was registered at the instance of complainant

Rekha Tondon who alleged that an amount of Rs.4 lacs was paid to the younger brother of the petitioner namely Vijender in the month of January, 2013 and additional amount of Rs.2 lacs was also paid to said Vijender in the month of January, 2013. In the month of July, 2013, petitioner came from Italy and took documents from the complainant on 15.07.2013 at Delhi and asked for additional amount of Rs.6 lacs and the same was also paid by the complainant. Complainant was not sent to Italy and the FIR came to be registered.

Admittedly, an amount of Rs.6 lacs was paid by the father of the petitioner to the mother of the complainant i.e. Bimla and a receipt dated 15.10.2016 was executed by Bimla. The police has also recorded proceedings dated 20.04.2015, endorsing that complainant-Rekha Tondon had paid an amount of Rs.6 lacs to the petitioner party for going abroad and the said amount was received by Bimla-mother of the complainant. The complainant was sought to be contacted 2-3 times on her mobile, but she refused to get her statement recorded. Mother of the complainant was associated in the inquiry, but she also did not get her statement recorded, however, she admitted the factum of receipt of amount of Rs.6 lacs. The police also recorded the statements of the witnesses, who have deposed that only an amount of Rs.6 lacs was advanced by the

complainant party.

At this stage, without forming any opinion with regard to payment made by the accused/petitioner to the complainant party, I find that the co-accused i.e. brother of the petitioner to whom initial advance of Rs.6 lacs was made has since been granted regular bail by the trial Court vide order dated 09.11.2016 and since the offence is triable by Magistrate, challan has already been presented and even charges have been framed, I deem it appropriate to grant benefit of regular bail to the petitioner subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of the trial Court.

Nothing expressed hereinabove would be construed to be an expression of any opinion on merits of the case.

March 16, 2017.

Prince

(RAJ MOHAN SINGH)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No