

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

**Crl. Misc. No.M-45782 of 2017 (O&M)
Date of Decision: December 08, 2017.**

Rajesh Kumar

.....PETITIONER(s).

VERSUS

State of Haryana

.....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Vikram Sheoran, Advocate
for the petitioner (s).

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.767 dated 05.10.2016 registered for the offences punishable under Sections 406, 419, 420, 465, 467, 468 read with Section 120-B of Indian Penal Code, at Police Station City Sirsa.

Heard.

Notice of motion.

On asking of the court, Mr. Deepak Grewal, D.A.G. Haryana, who is present in the Court accepts notice and submits that intimation by Registry informing of fixation of the petition has already been received and record of the case is available with him.

Mr. Ankur Lal, Advocate, who is present in the Court, has put in appearance on behalf of complainant.

As per the allegations in the FIR, co-accused Parmod Jain opened an account in Axis Bank Branch Sector 24, Rohini, New Delhi in the name of wife of complainant and made transaction worth ₹20 crores therein. Allegations against the petitioner are that he had facilitated the sale of DDA flat allotted to the wife of complainant to Parmod Jain.

Learned State counsel submits that entire conspiracy had started with the transaction between wife of complainant and Parmod Jain. The petitioner is a property dealer and all the original documents were handed over to him which facilitated Parmod Jain in opening account in the name of wife of complainant and he made transactions therein.

Learned counsel for the petitioner submits that Parmod Jain and other co-accused have already been allowed interim anticipatory bail in this case. The petitioner has no role in opening the account in the name of wife of complainant or making any transaction therein.

Keeping in view the fact that role of the petitioner was to facilitate the deal between wife of complainant and Parmod Jain and the matter is still under investigation as to whether he has played any role in facilitating in opening of account in the name of wife of complainant and further that conclusion of trial will take considerably long time, the present petition is allowed. Petitioner Rajesh Kumar is ordered to be released on regular bail on furnishing bail bond and surety bond to the satisfaction of concerned 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 prior permission of the Court.

(SURINDER GUPTA)
JUDGE

December 08, 2017
Sachin M.

Whether speaking/reasoned: ***Yes/No***

Whether Reportable: ***Yes/No***