

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-6171 of 2017

Date of Decision: 01.03.2017

Ashok Kumar

....Petitioner

VERSUS

State of Haryana

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Abhishek Sanghi, Advocate
for the petitioner (s).

Ms. Neelam Kashyap, DAG, Haryana.

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.338 dated 16.9.2016 registered for the offences punishable under Sections 406/420/506/12-B of Indian Penal Code (for short, "IPC") at Police Station Ambala Cant. District Ambala.

Heard.

As per allegations in the FIR, the petitioner is associate of *tantrik* named Mukesh who allured the complainant with the promise to double the money and took ₹16 lakhs from him. He was given big envelope of black colour by *tantrik* with direction to open the same after 41 days. Thereafter, the matter of opening the envelope was put off by *tantrik* on one ground or the other and ultimately the complainant came to know that he has been cheated by *tantrik* Mukesh.

Learned State counsel has argued that petitioner was associate of Mukesh and recovery of ₹4300/- was effected from him in this case.

Three other FIRs of similar nature have also been registered against him.

Learned counsel for petitioner submits that one more FIR having same allegations has been registered against the petitioner and he has not been arrested in that case. Complainant has not attributed any role played by petitioner in design of Mukesh *tantrik* to cheat the complainant.

Keeping in view the fact that no specific role of petitioner has been mentioned in the FIR wherein all the allegations are against *tantrik* Mukesh, but without expressing any opinion on merits of the case, the present petition is allowed. Petitioner Ashok 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- (b) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn.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 previous permission of the Court.

March 01, 2017
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(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No