

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

207

**CRM-M No.12250 of 2018
Date of Decision: 2.4.2018**

SUSHIL

.....Petitioner

Vs

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Ms.Kamlesh, Advocate for
Mr.Parminder Singh, Advocate,
for the petitioner.

Mr.Satish Saini, DAG, Haryana.

RAJ MOHAN SINGH, J.(oral)

Petitioner seeks grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.213 dated 26.06.2016 registered under Sections 406, 420, 467, 468, 471, 506, 120-B, 201 IPC at Police Station Nissing, District Karnal.

As per allegations in the FIR, an advertisement was published in 'Punjab Kesari' Newspaper on 30.3.2016, vide which offer was made to install mobile tower by Indus Tower Company at the rent of ₹ 45,000/- per month and providing employment to one person from the family and ₹ 70 lacs in advance.

Complainant Bakshi Ram contacted the mobile

number given in the advertisement for getting a mobile tower installed in his land. Assurance was given by one Pankaj Sharma through mobile. The complainant is alleged to have deposited some amount on different dates, however, later on he found that the promise was farce.

During investigation of the case, petitioner is found to be the person, who gave assurance in the name of Pankaj Sharma and mobile has been recovered from him. Mobile numbers were found to be issued on fake identities and the amount was found deposited in the account of some other accused.

As per investigation, Shubham Chaudhary has withdrawn the amount from ATM on the same day and the address of Mukesh Aggarwal in Account No. 20291792344 in State Bank of India was found to be wrong. Account No. 34958214886 in State Bank of India was found to be in the name of Shubham Chaudhary. An amount of ₹ 1,35,000/- was withdrawn by Shubham Chaudhary and his uncle Rajiv @ Golu from the ATM. The aforesaid persons were joined in the investigation. After withdrawal of the amount by Shubham Chaudhary, he allegedly handed over the passbook and ATM card to co-accused Mukesh Saini son of Ram Bhagat Saini. Co-accused Mukesh @ Bholu has disclosed that he was involved in some other case, so under threat perception he destroyed the

passbook etc.

Co-accused, namely, Mukesh, Mohd.Zuber, Shubham, Rajiv and Toshiba Mansoori have been released on regular bail. Offence is triable by Magistrate. Challan has already been presented. Charges have not been framed so far. Petitioner is in judicial custody since 22.1.2018.

The aforesaid statement of facts has not been disputed by learned State counsel, on instructions from ASI Harbhajan Singh.

Taking into consideration the aforesaid facts, I deem it appropriate to enlarge the petitioner on regular bail.

In view of above, the petition is allowed. Petitioner is ordered to be enlarged on bail, 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.

April 02, 2018
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(RAJ MOHAN SINGH)
JUDGE

Whether reasoned/Speaking
Whether reportable

Yes/No
Yes/No