

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-13743-2018

Date of decision: 23.04.2018

Rakesh Dubey

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Gaurav Chadda, Advocate
for the petitioner.

Mr. Himmat Singh, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of regular bail in FIR No.502 dated 30.06.2017 under Sections 420, 120-B IPC, registered at Police Station City Sirsa, District Sirsa.

Learned counsel for the petitioner submits that the petitioner had earlier compromised the matter with the complainant and as per the order dated 21.08.2017 passed in CRM-M-27843-2017, the petitioner had agreed to make a lump sum payment of Rs.18 lacs in installments. It is further submitted that later on, vide order dated 22.08.2017 passed in the aforesaid petition, the petitioner had paid total amount of Rs.3.00 lacs by way of demand drafts to complainant Devender Kumar. Thereafter, the petitioner could not make the subsequent payments and therefore, said petition praying for anticipatory bail was dismissed vide order dated 28.09.2017. Later on, the petitioner was arrested

and is in judicial lockup since 12.11.2017. It is also submitted that the petitioner undertake to deposit a demand draft of Rs.2.00 lacs in favour of complainant Devender Kumar.

Learned counsel for the petitioner further submits that the offences are triable by the Court of Magistrate and before the trial Court, statement of the complainant has already been recorded and there is no possibility of tempering with the evidence of the prosecution.

The aforesaid factual position is not disputed by learned State counsel, on instructions from ASI Rajesh Kumar.

Without commenting anything on merits of the case, considering the fact that the petitioner is in judicial lockup since 12.11.2017; he has already paid Rs.3.00 lacs to the complainant; statement of the complainant has already been recorded; offences are triable by the Court of Magistrate and conclusion of the trial will take some time, this petition is allowed and the petitioner is directed to be released on bail subject to furnishing his bail bonds and two sureties to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate. This will be however subject to deposit of demand draft of Rs.2.00 lacs favouring the complainant.

Petition is disposed of.

[ARVIND SINGH SANGWAN]
JUDGE

23.04.2018
vishnu

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No