

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-25810 of 2018
Date of Decision: 19.06.2018

Bharat Kumar

....Petitioner

VERSUS

State of Haryana

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Fariad Singh, Advocate
for the petitioner.

Mr. R.K.S. Brar, Addl. A.G., 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.144 dated 15.03.2018 registered for offences punishable under Sections 120-B, 406 and 420 of Indian Penal Code (for short, "IPC") at Police Station Pehowa, District Kurukshetra.

Heard.

Learned State counsel submits that complainant had a deal with petitioner and his co-accused for sending him abroad and paid ₹27 lakhs to co-accused-Kulwinder Singh, who after deducting his commission of ₹3 lakhs paid this amount to petitioner and petitioner paid this amount after deducting his commission to Raj Saxena and Suresh Thakur, travel agents. Son of complainant was not sent abroad and petitioner was arrested on 04.04.2018. A sum of ₹7000/- was recovered from his possession while he has returned ₹1,58,000/- to complainant.

From the submission of learned State counsel and allegations

against the petitioner, it appears that travel agents in this case are Raj Saxena and Suresh Thakur. The petitioner has acted only as mediator and has returned commission received by him.

Keeping in view the period of incarceration of petitioner and the fact that conclusion of trial will take considerably long time but without expressing any opinion on merits of the case, the present petition is allowed. Petitioner-Bharat Kumar is ordered to be released on regular bail on furnishing bail bond and surety bond to the satisfaction of concerned trial Court/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- (b) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn.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.

June 19, 2018
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No