

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

**Crl. Misc. No.M-28810 of 2018 (O&M)
Date of Decision: July 18, 2018**

Sombir Motiya

.....PETITIONER(s).

VERSUS

State of Haryana

.....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Ashok Kumar Jindal, 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. 308 dated 01.04.2017 registered for the offences punishable under Sections 406, 420, 467, 468, 471, 120-B, 201 read with Section 34 of Indian Penal Code, at Police Station City Gurugram, District Gurugram.

Heard.

Notice of motion.

On asking of the court, Mr. Deepak Grewal, DAG, 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.

Learned counsel for the petitioner submits that petitioner has no concern with the company M/s Clandestine Live Network and neither of the complainant or investor named him. The petitioner has been providing his

services to the company on payment.

Learned State counsel on instructions from ASI Ajit submits that petitioner was one of the promoters of the company and received an amount of ₹19 lakhs in his account from the account of company.

Shalender Sharma, co-accused against whom there are similar allegations that he was one of the promoters, has been allowed pre-arrest bail vide order dated 20.06.2018 passed in CRM-M-25619-2018. Petitioner is in custody since 28.04.2018 and challan against him has been presented before the Court.

Keeping in view the period of incarceration of petitioner, presentation of challan against him and 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 Sombir Motiya 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- b. In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn.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 prior permission of the Court.

July 18, 2018
Sachin M.

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No