

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

**CRM-M-29425-2018
Date of decision:20.07.2018**

Sidharath Chaudhary

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM : HON'BLE MR.JUSTICE GURVINDER SINGH GILL

Present: Mr. Keshav Pratap Singh, Advocate
for the petitioner.

Mr. Manish Bansal, DAG, Haryana.

GURVINDER SINGH GILL, J. (ORAL)

The petitioner seeks grant of regular bail in case registered vide FIR No.216 dated 17.05.2018 registered under Sections 406, 420, 467, 468, 471, 120-B, 34 of the Indian Penal Code, 1860 registered at Police Station Rai, District Sonapat.

Mr. Rakesh Gupta, Advocate puts in appearance on behalf of the complainant-Bank by filing power of attorney, which is taken on record.

The allegations in nut-shell are that the petitioner had approached State Bank of India Branch, Bahalgarh for raising loan so as to purchase Hyundai Creta car. A demand draft for an amount of ₹12

lakhs was prepared in favour of Samta Motors pursuant to the application submitted by the petitioner for raising loan. It is alleged that subsequently it transpired that the petitioner never purchased the car and the account in which the aforesaid draft of ₹12 lakhs was deposited was in fact a fake account. It is further alleged in the FIR that a similar loan had been raised by another person namely Punit Jain, which has also been deposited in the fake account of Samta Motors.

Notice of this petition was issued to the State.

Learned State counsel assisted by learned counsel for the complainant have opposed the petition.

I have heard learned counsel for the parties and perused the paper-book.

It has been informed by learned State counsel that an amount of ₹2 lakhs already stands recovered from the petitioner.

Learned counsel for the petitioner, without prejudice to his right to defend the case, has today offered to hand over demand draft bearing No.670145 dated 19.07.2018 for an amount of ₹9 lakhs favouring State of Bank of India, Bahalgarh. Demand draft in original has been handed over to learned counsel for the complainant, and a photocopy of which has been retained on the record.

Bearing in mind the aforesaid facts and circumstances of the present case and that the petitioner is behind the bars since last about two months, no useful purpose will be served by detaining the petitioner behind bars any further as the conclusion of trial is likely to take some time. In view of above, the present petition is accepted. Petitioner

Sidharath Chaudhary is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate Sonapat.

It is, however, clarified that none of the observations made above shall be taken to be an expression on merits of the main case.

20.07.2018
Gaurav Sorot

(GURVINDER SINGH GILL)
JUDGE

Whether reportable? **Yes / No**

Whether reasoned / speaking? **Yes / No**