

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

CRM-M-3524-2018

Date of decision: 17.4.2018

Ram Niwas

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR.JUSTICE H.S. MADAAN

Present: Mr. Vivek Khatri, Advocate
for the petitioner.

Mr.Neeraj Poswal, AAG, Haryana.

Mr.Ramvir Singh Chauhan, Advocate
for the complainant.

H.S. MADAAN, J. (Oral)

This petition has been filed for the grant of regular bail to the petitioner – Ram Niwas, an accused in FIR No.273 dated 28.8.2016, under Sections 406, 420, 506 IPC, registered at Police Station Sadar, Tohana, District Fatehabad.

Briefly stated, the facts of the case as per prosecution story are that an advertisement was inserted in the Newspaper for filling up vacancy for the post of Postman and one Parveen Kumar had applied for the said post; written examination for recruitment took place on 27.4.2014; the complainant, a brother-in-law of Parveen Kumar was acquainted with accused Ram Niwas, Master, a resident of village Madanpura, Tehsil Uklana, District Hisar and Satpal Singh, resident of

Bhuna, District Fatehabad; both of them called the complainant to school at village Bhodi, Tehsil Tohana, District Fatehabad, where accused Ram Niwas was posted and both the accused represented that they would get Parveen Kumar recruited after getting his written examination cleared on payment of Rs.3 lakhs and that they had got employment for several persons in such a manner earlier; the complainant fell into the trap and gave Rs.1,50,000/- to them in the school premises; he gave further amount of Rs.1,50,000/- round to them subsequently, however, Parveen Kumar could not clear the written examination or get employment; the complainant had convened a Panchayat, where accused Satpal Singh issued a cheque in the sum of Rs.50,000/- and accused promised to make the remaining payment but the cheque had bounced and remaining payment was not made. Thereafter, the matter was reported to the police. Formal FIR was registered. Accused were arrested in this case. After registration of the FIR, the case was inquired into, the challan was prepared and presented in the Court. The petitioner had moved an application for regular bail but was unsuccessful and the same was dismissed vide order dated 5.1.2018 passed by learned Additional Sessions Judge -I, Fatehabad. As such, the petitioner has approached this Court asking for the same relief.

Notice of the petition was given to the State and State counsel has put in appearance. The complainant has appeared through counsel.

I have heard learned counsel for the parties besides going through the record.

The petitioner/accused is stated to have been in custody since

21.11.2017. The conclusion of trial is likely to take some time.

Under the circumstances, I find it proper and appropriate if concession of regular bail is granted to the petitioner though subject to his paying Rs.1 lakh to the complainant.

Accordingly, the petition is allowed. The petitioner be admitted to bail during the pendency of the trial, subject to his furnishing bail bonds and surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate, Fatehabad and on petitioner paying a sum of Rs.1 lakh to the complainant Baljit Singh in the form of demand draft in his name, which be given to Investigating Officer, who would then hand it over to the complainant against valid receipt, subject to the condition that if after the trial, it is found that petitioner had not received any amount from the complainant, then the complainant would return the said amount to the petitioner. The petitioner shall also abide by the following conditions:

- (i) He shall appear in the Court on each and every date of hearing.
- (ii) He shall not give any threat or intimidation to the prosecution witnesses.
- (iii) He shall not leave India without prior permission of the Court.

In addition to that the trial Court may impose any term and condition found suitable to ensure that the petitioner does not abscond and interfere in the trial.

In case the petitioner violates any term and condition on

which the bail has been granted to him, the prosecution would be entitled to apply for cancellation of bail.

This petition stands allowed accordingly.

17.4.2018
Brij

(H.S. MADAAN)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No