

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

**CRM-M No.37590 of 2018
Decided on: 05.09.2018**

Amit

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. Surinder Gandhi, Advocate
for the petitioner.

Mr. Himmat Singh, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this petition is for grant of regular bail to the petitioner under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No.33 dated 29.02.2018, for offence punishable under Sections 406, 420, 120-B of the Indian Penal Code (in short 'IPC'), registered at Police Station City Rewari.

Counsel for the petitioner has submitted that, as per the allegations in the FIR, the complainant – Randhir Singh has stated that the father of the petitioner i.e. co-accused namely Som Dev, was the proprietor of a firm and the petitioner along with the co-accused namely Amita used to manage the affairs of the firm and there was a money transaction with one Nishant Dabas. It is further alleged in the FIR that on account of expanding the business, the complainant had lent the amount and had issued the cheques in lieu of the same, however, the

said cheques were dishonoured.

Counsel for the petitioner has further submitted that the petitioner was declared as proclaimed offender on 07.05.2010 and even an FIR under Section 174-A IPC was also registered. It is also submitted that after the petitioner was arrested, he is in custody since 27.04.2018 and conclusion of the trial will take some time as the offences are triable by the Court of Magistrate.

Counsel for the petitioner has relied upon the judgment dated 24.05.2015 passed by the Additional Sessions Judge, vide which the appeal, filed by co-accused namely Amita, challenging the judgment of conviction and order of sentence, was allowed and she was acquitted in the present FIR.

Counsel for the State, on instructions from ASI Beer Singh, has however, submitted that since the petitioner was declared as proclaimed offender earlier, he may again flee from the process of justice, in case enlarged on bail.

Without commenting anything on merits of the case, considering the fact that the petitioner is not involved in any other case; he is in judicial custody for the last more than 04 months and conclusion of the trial will take some time as the offences are triable by the Court of Magistrate, this petition is allowed and the petitioner is directed to be released on bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Illaqa Magistrate/Duty Magistrate and on payment of costs of Rs.10,000/- to be deposited with the District Legal Services Authority, Rewari, for delaying the process of Court.

However, it will be open for the prosecution to apply for cancellation of bail of the petitioner, in case he is found involved in any other case or misusing the concession of bail, in any manner.

(ARVIND SINGH SANGWAN)
JUDGE

05.09.2018
yakub

Whether speaking/reasoned	Yes/No
Whether reportable:	Yes/No