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

CRM-M-43915-2018 (O&M)

Date of decision: November 01, 2018

Rajinder Kumar @ Rajinder Sharma

...Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present: Mr. G.S. Punia, Senior Advocate with
Ms. Harveen Kaur, Advocate
for the petitioner.

Mr. Saurav Khurana, DAG, Punjab.

Mr. Rakesh Chopra, Advocate and
Mr. Jashan Chopra, Advocate
for the complainant.

RAJ SHEKHAR ATTRI, J.(ORAL)

CRM-38244-2018

Application is allowed as prayed for.

Annexure P-15 Colly is taken on record.

CRM-M-43915-2018

The present petition has been filed under Section 439 Code of Criminal Procedure for grant of regular bail to petitioner-Rajinder Kumar @ Rajinder Sharma, in case FIR No.83 dated 26.04.2017 registered for the offences punishable under Sections 384, 420, 506 of the Indian Penal Code, 1860 (for short 'IPC') at Police Station Gobindgarh Mandi, District Fatehgarh Sahib.

Heard.

Reply by way of affidavit of Manpreet Singh, PPS, Deputy Superintendent of Police, Sub Division Amloh, District Fatehgarh Sahib, Punjab filed by learned State counsel is taken on record.

It is a case of the complainant that earlier petitioner filed complaint under Sections 419, 420, 467, 468, 471 of the Indian Penal Code and other offences before Sub Divisional Judicial Magistrate, Amloh which has been dismissed on 9th February, 2018. It is further alleged that petitioner was demanding Rs.9,00,000/- and his conversation was recorded in the compact disc (CD), copy of conversation is placed on record as Annexure R-2.

On behalf of the complainant, learned counsel has argued that amount of Rs.3,00,000/- has been paid but he failed to produce any receipt.

Petitioner is in custody since 12.09.2018.

Learned counsel for the complainant relied upon the police inquiry with regard to payment of Rs.5,50,000/-

Without expressing any opinion on merits of the case and the fact that conclusion of trial will take considerably long time, no useful purpose would be served by detaining the petitioner behind the bars, therefore, the present petition is allowed. Petitioner is ordered to be released on regular bail on furnishing bail bond and surety bond to the satisfaction of trial Court/Chief Judicial Magistrate/Duty Magistrate, concerned 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.

However, petitioner shall not file any application of complaint against the complainant till disposal of the criminal case.

(RAJ SHEKHAR ATTRI)
JUDGE

November 01, 2018
m. sharma

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