

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

CRM-M No. 48359 of 2018

Date of decision : 05.12.2018

Vikas

.....Petitioner

Versus

State of Haryana

...Respondent

CORAM : HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present : Mr. Akshay Kumar Jindal, Advocate for the petitioner.

Mr. Chetan Sharma, AAG, Haryana.

Mr. Sumit Roy, Advocate for the complainant.

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DAYA CHAUDHARY, J.

Petitioner Vikas has approached this Court by way of filing the present petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to him in case FIR No.179 dated 27.09.2017 under Sections 380, 403, 406, 420 of the Indian Penal Code, 1860 and Section 66 of the Information Technology Act, 2000, registered at Police Station – Sector 53, Distt. Gurugram, during pendency of the trial.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the case. He was granted regular bail by learned Additional Sessions Judge, Gurugram vide order dated 10.10.2018 subject to deposit of ₹12,00,000/-, in addition to any other amount already got recovered during investigation. Learned counsel further submits that the condition of depositing said amount is not only arbitrary but unjustified as

the allegations against the petitioner are that he has fraudulently usurped an amount of ₹37,74,815/- and an amount of more than ₹15,00,000/- has also been got recovered from him during investigation. As per the status report filed before the trial Court, an amount of ₹22,21,827/- is to be recovered from him. Learned counsel submits that the petitioner is not in a position to deposit said amount of ₹12,00,000/- and in case of non-depositing the said amount, the order of bail passed by learned Addl. Sessions Judge, Gurugram, has been rendered inoperative and it will not be considered as an order of bail. Petitioner is ready to deposit a reasonable amount.

Learned State counsel has opposed the submissions made by learned counsel for the petitioner on the ground of involvement of huge amount. He submits that the petitioner was having knowledge that he was not having amount with him still he spent huge amount in the transaction.

Heard arguments of learned counsel for the parties and have perused the contents of the FIR and other documents available on the file. I have also perused the order of bail passed by learned Addl. Sessions Judge, Gurugram thereby imposing condition to deposit an amount of ₹12,00,000/- in addition to the amount which has already been recovered from him,

Petitioner is aggrieved with the condition of deposit of an amount of ₹12,00,000/- in addition to amount which has been recovered from him. An amount of more than ₹15,00,000/- has already been recovered from the petitioner as submitted by learned counsel for the petitioner. The alleged recovery has been shown to be ₹ 22,21,827/- from the petitioner. Petitioner is stated to be unable to deposit whole of the amount but he is

ready to deposit a reasonable amount.

Accordingly, by considering the submissions made by learned counsel for the petitioner, the present petition is allowed and the petitioner is directed to be released on regular bail to the satisfaction of the trial Court/Duty Magistrate subject to following conditions :-

- (1) The petitioner shall pay a total amount of ₹6,00,000/- i.e. ₹3,00,000/- at the time of releasing him on bail and remaining ₹3,00,000/- within a period of one month thereafter to the complainant.
- (2) The petitioner shall furnish a personal bond in the sum of ₹10,00,000/- with two sureties in the like amount to the satisfaction of the trial Court/Duty Magistrate.
- (3) The petitioner shall surrender his passport, if already not seized and hold by him, before the trial Court.
- (4) He shall not leave the country without prior permission of the Court.
- (5) He shall not tamper with the evidence or do any act which will create a reasonable ground to assume that the petitioner is trying to create hurdle in the investigation or trial of the case which will entail cancellation of bail.
- (6) Any other condition which the trial Court may deem fit may be imposed upon the petitioner.

In case the petitioner fails to abide by the said terms and conditions, as mentioned above, the order granting bail shall stand cancelled.

05.12.2018

sunil yadav

**(DAYA CHAUDHARY)
JUDGE**

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No