

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-5298-2018
Date of decision: 16.02.2018

Ravi Kumar

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Robin Singh Hooda, Advocate
for the petitioner.

Ms. Harpreet Kaur, AAG, Haryana.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of regular bail to the petitioner in FIR No.1119 dated 19.12.2016 under Sections 406/420/467/468/471/506/120-B IPC, registered at Police Station Jhajjar, District Jhajjar.

Learned counsel for the petitioner submits that as per the allegations in the FIR, the complainants have paid the amount to co-accused Sushil Kumar Jha and Bhanwar Dixit in their bank accounts. It is further stated in the FIR that 04 complainants have paid the aforesaid amount to accused persons with the assurance that they will get them employed in railways and after obtaining the amount, accused persons had given them free coaching and later on provided appointment letters, which were found to be fake. Counsel for the petitioner further submits that the petitioner is in judicial lockup since

03.07.2017, investigation is complete and the offences are triable by the Court of Magistrate, which will take long time in conclusion of the trial. It is further submitted that the petitioner is not involved in any other case.

Learned State counsel, on instructions from ASI Anil Kumar, has opposed the prayer for bail on the ground that the complainants have paid an amount of Rs.17.00 lacs in cash to the petitioner, however, recovery of Rs.5,000/- is made from him. It is submitted that out of total 07 accused persons, only two persons i.e. the petitioner and Sushil Kumar Jha have been arrested and Rs.15,000/- have been recovered from co-accused Sushil Kumar Jha. It is further submitted that arrest of other co-accused namely Bhanwar Dixit, Surender, Deepak, Sachin and Neeraj Thakur is yet to be effected and investigation qua these five persons is still going on. It is also submitted that the petitioner has given an undertaking that he will repay the amount and as per the FSL report, his thumb impression was found to be correct on the said undertaking/affidavit.

Without commenting anything on merits of the case, considering the fact that the petitioner is in judicial lockup since 03.07.2017; he is not involved in any other case; investigation is complete; challan qua the petitioner and co-accused Sushil Kumar Jha has already been presented; charges have been framed and it will take some time in conclusion of the trial; the offences are triable by the Court of Magistrate, this petition is allowed and the petitioner is directed to be released on regular bail subject to furnishing his bail/surety bond to the satisfaction of the trial Court/Illaqa Magistrate/Duty Magistrate.

However, it will be open for the prosecution that in case of arrest of the co-accused, if the petitioner is still required for further investigation, the

Investigating Officer, by issuing a notice to the petitioner, may call him to join the investigation and the petitioner shall appear before the Investigating Officer for further investigation as and when required.

Petition is disposed of.

16.02.2018

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[ARVIND SINGH SANGWAN]
JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No