

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M No. 7175 of 2018 (O&M)

Date of decision : 26.3.2018

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Prashant Kumar

.....Petitioner

vs.

State of Haryana

.....Respondent

Coram: Hon'ble Mr. Justice H. S. Madaan

Present: Mr. Mrigank Sharma, Advocate
for the petitioner.

Mr. Gaurav Bansal, Assistant Advocate General,
Haryana.

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H. S. Madaan, J. (Oral)

This application for regular bail has been filed by petitioner – Prashant Kumar, an accused in FIR No. 506, dated 25.11.2017 for offences under Sections 406, 420, 467, 468, 471, 120-B IPC, registered at Police Station Ambala City, District Ambala.

The FIR in question was got recorded at the instance of one Harvinder Singh s/o Narender Singh, r/o House No. 714, Inder Nagar, Police Station Baldev Nagar, District Ambala, who in the written complaint filed by him stated that on 23.11.2017, at about 2.30 P.M. one person by the name of Mukesh came to his electronic shop representing himself to be an employee of Railway Department and

asked for quotations for LEDs. On 25.11.2017, accused Prashant Kumar came to his shop and handed over a demand draft of Rs.4,90,977/- drawn on Central Bank of India, as price of the LEDs. However, that demand draft was found to be fake. According to the complainant the accused had cheated M/s Arvind Electronics also by giving a fake demand draft of Rs.7,29,000/-. Such Parshant Kumar accused was handed over to the police. He was arrested. After registration of the formal FIR, the matter was investigated and challan has since been filed in the Court.

The accused moved an application for grant of regular bail before the court of Sessions, which was dismissed vide order dated 22.1.2018. Now he has approached this Court asking for the similar relief which is being opposed by the state counsel.

I have heard learned counsel for the petitioner, learned State counsel, besides going through the record.

Admittedly, no loss was caused to the complainant or M/s Arvind Electronics, referred to in the FIR, since the accused could not manage to take away any LEDs/other electronic items by giving a forged demand draft. He is behind the bars since 25.11.2017. Though challan has been filed but that it is still at preliminary stage. All the offences are triable by Magistrate. The conclusion of trial is likely to take some time. The guilt of the accused shall be determined during the trial.

Accordingly, the petition is allowed. The petitioner is ordered to be released on bail subject to his furnishing personal and surety bonds, to the satisfaction of the Chief Judicial Magistrate/Duty

Magistrate, Ambala, subject to the following conditions:-

- i) that the petitioner shall appear in the Court on each and every date of hearing;
- ii) that the petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer; and
- iii) that the petitioner shall not leave India without the prior permission of the Court and shall surrender his passport, if he has got one, otherwise to furnish affidavit in that regard.

In addition to this 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 violate any term and condition on which the bail has been granted to him, this order shall be liable to be withdrawn.

26.3.2018
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(H.S. Madaan)
Judge

Whether speaking / reasoned

Yes / No

Whether reportable

Yes / No