

212

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

**CRM-M No.7891 of 2018
Date of Decision: 28.02.2018**

Rahul Bhai Gujera

.....Petitioner

Vs

State of Haryana

.....Respondent

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present: Mr. Ram Pal Verma, Advocate
for the petitioner.

Mr. M.D. Sharma, A.A.G., Haryana.

RAJ MOHAN SINGH, J.(Oral)

Petitioner seeks grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.359 dated 17.10.2016 registered under Sections 406, 420, 465, 468, 471, 120-B IPC at Police Station Civil Line, Sonapat.

Allegations are that on 13.10.2016, one Rasik Patel called the complainant on telephone from Gujarat on the pretext that they are selling good quality tiles. Rate was fixed and it was settled that Real Vittrified Company tiles would be loaded. Complainant sent a truck for loading of the tiles. Complainant

verified from Rasik Patel and Transport owner Rakesh Sharma that the tiles were being loaded in the truck. Thereafter, he contacted the petitioner. At the instance of Rasik Patel, the accused/petitioner gave him the account number. With the aforesaid assurance that the truck was being loaded, complainant deposited an amount of Rs.2,84,000/- in the account of the petitioner. Receipt of the amount was verified by the accused. However, later on, it was found that no such truck was loaded and the complainant was cheated by the accused.

Learned counsel for the petitioner submitted that challan has already been presented. After framing of charges, even the complainant has been examined before the trial Court. Offences are triable by the Magistrate. Trial may take some time in final culmination. Petitioner is in custody since 21.06.2017.

The statement of fact could not be denied by the learned State Counsel for want of instructions.

Since the petitioner is in custody for the last more than 8 months, offences are triable by the magistrate and without meaning anything on the merits of the case, I deem it appropriate to enlarge the petitioner on regular bail subject to his furnishing adequate bail bonds and surety bonds to the satisfaction of the trial Court/Duty Magistrate.

Accordingly, this petition is allowed.

Nothing expressed hereinabove would be construed to be an expression of any opinion on merits of the case.

February 28, 2018.
Prince

(RAJ MOHAN SINGH)
JUDGE

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