

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

207

CRM-M-2352-2019 (O & M)

Date of Decision:22.04.2019

Suvendu Sekhar Acharya @ Matru

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Ankit Rana, Advocate for the petitioner.

Mr. Sukhdeep Parmar, DAG, Haryana.

MANOJ BAJAJ, J.(ORAL)

Petitioner-Suvendu Sekhar Acharya @ Matru has filed this petition under Section 439 of the Code of Criminal Procedure for grant of regular bail in case FIR No.85 dated 14.03.2017, under Sections 419/420/467/468/471 of IPC, registered at Police Station S.G.M. Nagar (Sanjay Gandhi Memorial Nagar), Faridabad.

According to the prosecution, the petitioner cheated the complainant by impersonating himself as Joint Secretary to the Ministry of Home Affairs in India in FCRA Branch by showing forged identity card of Joint Secretary. He allegedly made him part with valuable Security on the assurance that he will arrange funds for the trust to be created by the complainant. The petitioner demanded a sum of ₹1 crore as expenses from the complainant and the complainant had given ₹92 lacs to the petitioner out of which he gave ₹62 lacs in cash and ₹30 lacs were deposited by him in the

Learned counsel for the petitioner contends that the investigation of the case is complete and challan stands filed before the Court. The offence is triable by the Magistrate and the petitioner is in custody since his arrest on 03.10.2017. According to the learned counsel for the petitioner, the amount was not received by the petitioner and was deposited in different accounts.

On the other hand, the bail application is opposed by the learned State counsel on instructions from SI Vishnu Mitar. According to him, the petitioner has suffered disclosure statement that the amount was received by him from those persons in whose account the complainant had deposited the amount. However, no recovery was effected pursuant to the said alleged disclosure statement. It is not disputed that the charges were framed on 22.02.2018 and not even a single witness has been examined till date out of 34 prosecution witnesses.

Considering the above background and the fact that the offence is triable by the Magistrate, which is likely to consume considerable time, further detention of the petitioner may not be justifiable. Therefore, without meaning any expression on the merits of the case, the petition is allowed and the petitioner is ordered to be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court concerned.

The petition is allowed.

22.04.2019

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(MANOJ BAJAJ)
JUDGE

Whether Speaking/Reasoned: Yes/No
Whether Reportable : Yes/No