

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

CRM-M No.4787 of 2019 (O&M)
Date of decision : 08.02.2019

Mohammad Arshad

..... Petitioner

versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Mr. Jitender Dhanda, Advocate
 for the petitioner.

Mr. Himmat Singh, DAG, Haryana.

AJAY TEWARI, J. (Oral)

This petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case F.I.R. No.518 dated 10.09.2018 registered under Sections 420/406/506/120-B/34 IPC and Sections 4/5/6 of Prize Chits and Money Circulation Scheme (Banning) Act, 1978 at Police Station City Fatehabad.

The allegations against the petitioner were that a general FIR was lodged informing the police about dubious marketing companies who had set up business in the area of Fatehabad and were duping people by selling them dreams in direct market and had managed to mop-up crores of rupees. An investigation was lodged and as regards the present petitioner it was alleged that he had obtained amounts of Rs.7,200/- each from more than 3000 people. Admittedly, the petitioner has been in custody since

02.10.2018.

Counsel for the petitioner has argued that similarly situated co-accused were released on bail after they had undergone much lesser custody. He has further argued that what ever may be the allegations in the inquiry report only a list of 44 persons has been appended who had made a complaint to the police.

Learned Deputy Advocate General has obtained instructions from S.I. Om Parkash but is not in a position to deny that similarly situated persons have been released as alleged by the counsel for the petitioner. He however, states that the petitioner should be asked to make a long term fixed deposit of some amount so that in case it is found that the petitioner and his accomplices has duped innocent peoples, their money should be secured.

In my opinion, this argument has some merit. In the circumstances, I deem it appropriate to release the petitioner on interim bail to the satisfaction of the trial Court. Within two weeks of his release on interim bail he would bring a long term fixed deposit in any nationalized bank in the name of the trial Court of Rs.2.00 lakhs. On his handing over the fixed deposit, his interim bail will be confirmed. If however the deposit is not made the interim order is deemed to be cancelled. The amount in the said deposit would enure to the benefit of the party successful in the petition.

Be that as it may and keeping in view the above facts and the period of incarceration already suffered by the petitioner and without going into the merits of the case, I deem it appropriate to release the petitioner on regular bail to the satisfaction of the concerned CJM/Illaqa Magistrate.

Ordered accordingly.

Petition stands allowed.

Since the main case has been decided, the pending criminal miscellaneous application, if any, also stands disposed of.

08.02.2019

pooja sharma-I

(AJAY TEWARI)

JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable :	Yes/No