

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

**Criminal Misc. No. M-43753 of 2018 (O&M)
Date of decision: 14.01.2019**

Abhay Rawat

..Petitioner

Versus

State of Haryana

..Respondent

CORAM: HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present: Mr. Devinder Singh, Advocate,
for the petitioner.

Mr. Chetan Sharma, AAG, Haryana
for the respondent-State.

Daya Chaudhary, J. (Oral)

Criminal Misc. No.229 of 2019

This application has been moved for correction of date of arrest of the petitioner, which has inadvertently been typed as 06.08.2012 instead of 06.08.2018.

Application is allowed and date of arrest of the petitioner be read as 06.08.2018 instead of 06.08.2012.

Registry is directed to make necessary corrections.

Criminal Misc. No. M-43753 of 2018

The present petition has been filed by petitioner-Abhay Rawat under Section 439 Cr.P.C. for grant of regular bail to him in case FIR No.783 dated 20.11.2017 registered under Sections 406, 420, 201 IPC at Police Station Rohtak City, District Rohtak, Haryana.

Learned counsel for the petitioner submits that the petitioner was not named in the FIR and has been implicated in the case on the basis

of disclosure statement made by co-accused, namely, Rakesh. Learned counsel further submits that presently the petitioner is an employee of Kotak Mahindra Bank whereas earlier he was employee of Axis Bank when alleged offence was committed. Learned counsel also submits that the recovery of amount has been effected from the petitioner and his co-accused. Now nothing is to be recovered. Challan has been presented. The petitioner is ready to appear before the trial Court regularly and to abide by all terms and conditions to be imposed by this Court or by the trial Court. It has also been brought to the notice of this Court by learned counsel for the petitioner that an amount of ₹45,000/- along with interest has been received by the complainant. The petitioner is in custody since 06.08.2018 (wrongly mentioned as 06.08.2012, which has been corrected by moving an application).

Learned State counsel has not disputed the custody period; recovery of amount from the petitioner and co-accused and also the fact that the petitioner has been implicated on the basis of disclosure statement.

Heard arguments of learned counsel for the petitioner as well as learned State counsel and have also perused the contents of the FIR and other documents available on the file.

In view of the submissions made by learned counsel for the petitioner that the petitioner is in custody since 06.08.2018; the recovery of amount has been effected; the petitioner has been implicated in the case on the basis of disclosure statement, which has no evidentiary value and also the fact that the amount along with interest has been paid to the complainant as submitted by the complainant in the affidavit given by him for

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compromise between the parties, the present petition is allowed and the petitioner (Abhay Rawat) is directed to be released on regular bail subject to verification of compromise arrived at between the parties as an affidavit has been submitted by the complainant, on his furnishing bail/surety bonds to the satisfaction of the trial Court .

14.01.2019
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(DAYA CHAUDHARY)
JUDGE

Whether speaking/reasoned	Yes
Whether Reportable	No