

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-21112-2019 (O&M)
Date of Decision:- 23.5.2019

Rupesh Kumar

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Punit Malik, Advocate, for the petitioner.

Ms. Aditi Girdhar, AAG, Haryana.

GURVINDER SINGH GILL, J. (Oral)

1. By way of filing this petition, the petitioner seeks grant of regular bail in respect of a case registered vide FIR No. 28, dated 16.1.2018 at Police Station Sector 14, Gurugram, under Sections 420, 467, 468, 471, 201 IPC.
2. The FIR was lodged at the instance of Subodh Kumar wherein it has been alleged that he had given his original Aadhar Card, PAN Card, photocopy of ID Card of the Company and his passbook for getting an insurance policy issued, to Rupesh Kumar but said Rupesh Kumar instead of getting the policy issued got a credit card issued and raised a loan against the said credit card.

3. Learned counsel for the petitioner has submitted that the FIR came to be lodged under some mistaken belief and that the misunderstandings have been resolved and that in fact the complainant while in the witness box as PW-1 has specifically stated that Rupesh Kumar had taken a loan on his asking and that Rupesh Kumar has not committed any fraud.
4. Opposing the petition, learned State counsel has stated that since the petitioner is specifically named in the FIR, no case for grant of bail is made out. It has however, been admitted that the complainant while in the witness box has resiled from his statement.
5. Having regard to the facts and circumstances of the case and while noticing that complainant Subodh Kumar while in the witness box did not support the case of prosecution, to my mind, no useful purpose would be served by further detaining the petitioner behind bars. The petition, as such, is accepted. Petitioner Rupesh Kumar is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.
6. This present petition stands accepted accordingly.

May 23, 2019
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(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No