

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

**CRM-M No.22150 of 2019 (O&M)
Decided on: 10.12.2019**

Dalip Singh

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. D.S. Virk, Advocate
for the petitioner.

Mr. Naveen Sheoran, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this petition is for grant of regular bail to the petitioner under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No.173 dated 08.04.2019, for offence punishable under Sections 406, 420, 120-B of the Indian Penal Code, 1860 (in short 'IPC') and 10, 24 of the Emigration Action, 1983, registered at Police Station Pehowa, District Kurukshetra.

Counsel for the petitioner has argued that the petitioner is in custody since 15.04.2019, challan stands presented, charges have been framed on 01.08.2019 and the case is now fixed for recording the evidence of the prosecution and only 01 PW has been examined out of 10 PWs.

Counsel for the petitioner has relied upon a compromise dated 22.01.2019 in which it is stated that the petitioner has handed

over 04 cheques of different dates of total amount of Rs.8.21 lacs. It is further argued that in view of the said compromise later on, the petitioner has paid an amount of Rs.8.20 lacs in cash to the complainant and the complainant has returned all the 04 cheques, whose numbers as well as dates and amount is given in the compromise itself.

Counsel for the petitioner has shown all the original cheques in the Court in support of the argument that the cheques were initially given as a security and on making the payment in cash, the same were returned by the complainant. It is also submitted that the petitioner is not involved in any other case; the offences are triable by the Court of Magistrate and the case is still at the initial stage of recording the evidence of the prosecution, the petitioner may be granted the concession of regular bail.

Counsel for the State, on instructions from ASI Om Parkash, has not disputed the factual position but opposed the prayer for bail.

Without commenting anything on merits of the case, considering the fact that the petitioner is not involved in any other case; he is in judicial custody since 15.04.2019; challan stands presented; charges have been framed; out of 10 prosecution witnesses, only 01 PW has been examined so far and it will take some time in conclusion of the trial, this petition is allowed and the petitioner is directed to be released on bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Illaqa Magistrate/Duty Magistrate.

However, it will be open for the prosecution to apply for cancellation of bail of the petitioner, in case he is found involved in any

other case or misusing the concession of bail, in any manner.

(ARVIND SINGH SANGWAN)
JUDGE

10.12.2019
yakub

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