

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

CRM-M-26564-2019
Date of decision: 29.10.2019

Mukesh Kumar

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Kunal Dawar, Advocate
for the petitioner.

Mr. Deepak Grewal, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (Oral)

This petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 262 dated 04.04.2018, registered under Sections 120B, 201, 420, 467, 468, 471 and 506 IPC Police Station Saran, District Faridabad.

Learned counsel for the petitioner submits as per the allegations in the FIR, registered at the instance by complainant-Tejpal Singh, the petitioner allured people to pay him money in order to procure a job in the Indian Air Force. Learned counsel for the petitioner further submits that as per allegations in the FIR, the detail is given with regard to money paid to the petitioner and other persons and when victims demanded the money back, accused persons started threatening them and in this manner, a huge money has been usurped.

Learned counsel for the petitioner further submits that the petitioner is in custody since 27.11.2018; the investigation is complete; challan stands presented and out of 45 prosecution witnesses, none has been

examined so far though the offences are triable by the court of a Magistrate.

Learned State counsel on the basis of the affidavit of Assistant Sub Inspector, Economic Offences Wing, NIT, Faridabad submits that there are number of victims and as per the investigation, petitioner-Mukesh Kumar has received an amount of Rs.4 Lakhs from the complainant Tejpal Singh, Rs.1,99,000/- from Arun Dubey and Rs.2 Lakhs from Umesh Kumar/Virender.

Learned counsel for the petitioner submits that in fact complainant Tejpal Singh himself is now arrayed as an accused in FIRNo.236 dated 09.07.2019 regarding the same incident as the victims in the present FIR have also leveled allegations against him.

Learned counsel for the petitioner further submits that since the petitioner is in custody for about 11 months, he is ready to deposit an amount of Rs.4 Lakhs with the Illaqa Magistrate/trial Court at the time of furnishing the bail/surety bonds.

Learned State counsel on instructions from ASI Harsh Vardhan and on the basis of affidavit of Assistant Sub Inspector, Economic Offences Wing, NIT, Faridabad has not disputed the factual position.

I have heard learned counsel for the parties.

Without commenting upon the merits of the case, considering the fact that the petitioner is in custody for the last about 11 months; the challan stands presented and out of 45 prosecution witnesses none has been examined and so far and also in view of the fact that the offences are triable by the court of a Magistrate and in view of the offer made by learned counsel for the petitioner that petitioner is ready to deposit a sum of Rs.4 lakhs with the Illaqa/Magistrate/trial Court, subject to the final out come of

the trial, the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Illaq Magistrate, concerned.

29.10.2019
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(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No