

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

**1. CRM-M-28829 of 2019
Date of Decision: 17.09.2019**

Surender Kumar @ Rajesh @ NanhaPetitioner

VERSUS

State of HaryanaRespondent

2. CRM-M-35680 of 2019

Bhim and anotherPetitioner

VERSUS

State of HaryanaRespondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Jitender Dhanda, Advocate
for the petitioner in CRM-M-28829-2019.

Mr. Ved Parkash, Advocate
for the petitioner in CRM-M-35680-2019.

Ms. Dimple Jain, A.A.G. Haryana.

SURINDER GUPTA, J.(Oral)

The present petitions have been filed under Section 439 Code of Criminal Procedure for grant of regular bail to petitioners in case FIR No.106 dated 29.04.2019 registered for offences punishable under Sections 406, 420, 171 and 120-B of Indian Penal Code (for short, "IPC") at Police Station Uklana, District Hisar.

Heard.

Facts of the case, which find mentioned in order dated 04.07.2019, passed by learned Sessions Judge, Hisar are reproduced as follows:-

complaint of complainant Sukhpal Singh son of Baldev Singh Mehra, resident of C-62-Y-DDA Flat, Jahagiri Puri, New Delhi to the effect that he was doing the work of Catering. About two and half months back he met with a boy namely Rajesh. About one week back Rajesh offered to make his money double and asked him to give ₹5 lacs and in return he will give him ₹10 lacs. On 29.04.2019 at about 8:00 AM, he along with his brother-in-law Naresh Kumar came to Bus Stand, Hansi along with ₹5 lacs. On the asking of Rajesh, they went to Barwala Bus Stand where Rajesh met them. After that on the asking of Rajesh they along with Rajesh sat in a private bus and alighted from the bus near village Kaller Bhaini. After some time an Alto Car came there and they all sat in the said Car. When they covered the distance of 500 meters towards village Prabhuwala, one another young boy came and sat on the front seat of Car. That boy was having a bag with him. Rajesh asked him to hand over ₹5 lacs and in turn they will give ₹10 lacs to him. After taking ₹5 lacs, Rajesh and his companions asked them to alight from the Car as a Scorpio vehicle occupied by police party was coming from back side. Upon that he along with his brother-in-law and Rajesh alighted from the said Car. In the meantime, Scorpio vehicle boarded by four persons, who were in police dress, came there and Rajesh was made to sit in the Scorpio vehicle. In this way, all the persons of aforesaid two vehicles after hatching a criminal conspiracy committed fraud upon him.....”

Petitioners were arrested in this case on 06.05.2019 and are in custody since then. Challan against them has been presented in Court.

Learned State counsel submits that three of the accused named in the FIR have not been arrested and investigation is going on against them. The police will present the supplementary challan on their arrest.

As per allegations in the FIR, complainant had given ₹5 lakhs

under the allurements that he will be given double the money. Part of the amount of ₹5 lakhs has been recovered from petitioners. Scorpio car used in the occurrence has also been recovered from petitioner No. 1-Bhim (in CRM-M-35680-2019).

In view of above but without expressing any opinion on merits of the case and keeping in view the fact that conclusion of trial will take considerably long time, both the petitions are allowed. Petitioners, namely, Surender Kumar @ Rajesh @ Nanha (in CRM-M-28829-2019) and Bhim and Anil Kumar (in CRM-M-35680-2019) are ordered to be released on regular bail on furnishing bail bonds and surety bonds to the satisfaction of concerned trial Court/Chief Judicial Magistrate/Duty Magistrate, subject to following terms:-

- (a) The petitioners shall comply with the conditions mentioned in Section 437(3) Cr.P.C.
- (b) In the event of their absence on any date of hearing, the benefit of bail allowed to the petitioners shall stand withdrawn. The trial Court shall be competent to cancel their bail bonds and surety bonds and proceed to procure their presence in accordance with law. In that eventuality the petitioners shall have to apply for bail afresh.
- (c) They shall not leave the country without the previous permission of the Court.

September 17, 2019
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No