

S.No.210

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

CRM-M-29524 of 2019 (O&M)

Date of Decision:03.12.2019

Kapil

....Petitioner

Vs.

State of Haryana

.....Respondent

CORAM:- HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present:- Mr. Keshav Pratap Singh, Advocate for the petitioner.
Mr. Chetan Sharma, AAG, Haryana.
Mr. Baldev Singh Badhran, Advocate for the complainant.

Rajbir Sehrawat, J.(Oral)

The present petition has been filed by the petitioner under Section 439 Cr.P.C for grant of bail pending trial in case FIR No.859 dated 29.11.2018 registered under Sections 420, 408, 467, 468, 471, 120-B, 34 IPC at Police Station Sector Camp Palwal, District Palwal.

It is contended by counsel for the petitioner that the case against the petitioner is totally concocted. Otherwise also, the complainant has already instituted a separate complaint under Section 138 of NI Act; on account of default of the cheque; which was statedly; given by the father of the petitioner qua repayment of the alleged embezzled amount. Even the father of the petitioner has filed a suit for recovery against the complainant; for recovering the amount which he was earlier made to pay under pressure of the complainant. Hence, the parties are already under litigation in other proceedings qua the amount, which is the subject matter of the present FIR. It is further contended that the petitioner is in custody since 12.06.2019. Challan has already been filed. Therefore, the petitioner is not required for any investigation purposes. There is no other case against the petitioner.

On the other hand, learned State Counsel, being assisted by

learned counsel for the complainant and on instructions from ASI Harun, submits that enough material has come against the petitioner to show his involvement in the crime; as such. However, it is not disputed that the petitioner is in custody since 12.06.2019 and that the challan has already been filed in this case.

In view of the above, but without commenting upon merits of the case, the present petition is allowed. It is ordered that the petitioner be released on bail on his furnishing bail bonds/ sureties to the satisfaction of the trial Court/ Duty Magistrate.

December 03, 2019**renu****(RAJBIR SEHRAWAT)****JUDGE**

Whether Speaking/reasoned

Yes/No

Whether Reportable

Yes/No