

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-33110 of 2019

Date of Decision: 19.08.2019

Virender Singh

....Petitioner

VERSUS

State of Haryana

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Yesh Dev Kaushik, Advocate
for the petitioner.

SURINDER GUPTA, J.(Oral)

The present petition has been filed under Section 439 Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No.536 dated 24.08.2018 registered for offences punishable under Sections 420 and 406 of Indian Penal Code (for short, "IPC") at Police Station Bhiwani City, District Bhiwani.

Heard.

Notice of motion.

On asking of the Court, Mr. Munish Sharma, AAG Haryana, who is present in the Court accepts notice and submits that intimation by Registry informing of fixation of the petition has already been received and record of the case is available with him.

As per allegations in the FIR, complainant-Parshotam Dass Mittal was known to Rakesh Goyal and Jai Dayal Goyal, co-accused. Rakesh Goyal represented to him that he has been nominated as Member in the Ministry of Railway and at later stage offered to get relative of

complainant appointed as *Tehsildar* in the State of Haryana. The deal was

struck for ₹30 lakhs for selection of daughter of father's sister of complainant as *Tehsildar* and settled amount was paid to Rakesh Goyal in the year 2012-2013. However, cousin of complainant was not got appointed and later on complainant came to know that Rakesh Goyal was never nominated as Member in the Ministry of Railway and fraud has been played with him. On coming to know this fact, he demanded his money back, which despite assurance has not been paid.

Learned State counsel submits that allegation against the petitioner is that on 13.05.2019 he promised to pay the money paid to Rakesh Goyal. His conversation was recorded in the mobile phone and a CD was prepared, which he admitted while asserting that he had no deal with complainant but has only assured the payment on behalf of main accused, being an employees in his school.

The petitioner was arrested on 22.07.2019. The entire allegations in the FIR are against Rakesh Goyal. The only allegation against the petitioner is that he assured the complainant about return of his money. As per police version, petitioner is an employee of Rakesh Goyal in his school, who has never dealt with complainant about appointment of any person as *Tehsildar* in the State of Haryana or received any amount.

In view of above but without expressing any opinion on merits of the case and keeping in view the fact that completion of investigation and then conclusion of trial will take considerably long time, the present petition is allowed. Petitioner-Virender Singh is ordered to be released on regular bail on furnishing bail bond and surety bond to the satisfaction of concerned trial Court/Chief Judicial Magistrate/Duty Magistrate, subject to following

terms:-

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

August 19, 2019
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No