

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-38980 of 2019

Date of Decision: 05.11.2019

Sunil Thekedar @ Sunil Soni @ Shailender

....Petitioner

VERSUS

State of Haryana

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. P.P.S. Duggal, Advocate
for the petitioner.

Mr. Munish Sharma, AAG Haryana.

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.844 dated 02.12.2018 registered for offences punishable under Sections 420, 406, 467, 468, 471, 120-B and 201 of Indian Penal Code (for short, "IPC") at Police Station City Bhiwani, District Bhiwani.

Heard.

As per case of prosecution, the petitioner allured complainant and seven other persons with the offer to provide Government jobs to them. The deal was settled for ₹7 lakhs with each of the eight persons and a sum of ₹28 lakhs was paid to petitioner as 50% of the total deal amount in September, 2012. Thereafter, he gave all of them fake appointment letters and received remaining ₹28 lakhs.

Learned counsel for the petitioner submits that the petitioner has been arrested on 15.12.2018. After completion of investigation challan against him has been presented in Court and no witness has been examined

so far. Before presenting the challan, the police has not looked into the fact as to from where complainant and seven other persons got ₹56 lakhs for payment to the petitioner. In fact there is a civil dispute and a complaint against petitioner has also been filed under Section 138 of the Negotiable Instruments Act.

The deal, as per allegations in the FIR, was entered into between the parties in the year 2012 and the matter was reported to the police in the year 2018. The petitioner was arrested on 15.12.2018 and has been in custody since then. After completion of investigation challan against him was presented in Court on 28.01.2019.

Without expressing any opinion on merits of the case and keeping in view above facts and that till date prosecution has not been able to examine even a single witness; conclusion of trial will take considerably long time, the present petition is allowed. Petitioner-Sunil Thekedar @ Sunil Soni @ Shailender 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.P.C.
- (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.

November 05, 2019
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No