

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

**CRM-M No.40102 of 2019 (O&M)
Decided on: 17.12.2019**

Ramesh Kumar

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. S.K.Singla, Advocate
for the petitioner.

Mr. Naveen Sheoran, DAG, Haryana.

Mr. Vishva Nath Sharma, Advocate
for the complainant.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this petition is for grant of regular bail to the petitioner under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No.154 dated 23.10.2018, for offence punishable under Sections 420, 406 of the of the Indian Penal Code, 1860 (in short 'IPC') and 10 of the Immigration Act, 2016, registered at Police Station Buria, District Yamuna Nagar.

Counsel for the petitioner has argued that as per the allegations in the FIR, the complainant has allegedly given the amount to 03 persons namely Kuldeep, Akshay Kumar and son of the petitioner namely Mohit Kumar. It is further submitted that the petitioner is not named in the FIR, however during the investigation, he has given some cheques to help his son to repay the amount, which were dis-honoured

by the bank.

Counsel for the petitioner has further submitted that the petitioner is in custody for the last 06 months and 16 days and the challan stands presented before the trial Court. It is also submitted that 02 of the co-accused namely Kuldeep and Akshay Kumar, have already been granted the concession of regular bail by the trial Court.

Counsel for the State, on instructions from SI Ishwar Singh and on the basis of the Custody Certificate filed in the Court today, has not disputed the factual position but opposed the prayer for bail.

Counsel for the complainant has, however, argued that the petitioner has given an undertaking that he will repay the amount on behalf of his son/co-accused Mohit and in that process, he has given certain cheques but the same were dishonoured.

Without commenting anything on merits of the case, considering the allegations in the FIR, which are primary against 03 accused persons and also in view of the fact that the petitioner is in custody for the last 06 months and 16 days; challan stands presented; the co-accused namely Kuldeep and Akshay Kumar, have already been granted the concession of regular bail by the trial Court; the custodial interrogation of the petitioner is not required and it will take some time in conclusion of the trial, this petition is allowed and the petitioner is directed to be released on bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Illaqa Magistrate/Duty Magistrate.

However, it will be open for the prosecution to apply for cancellation of bail of the petitioner, in case he is found involved in any

other case or misusing the concession of bail, in any manner.

17.12.2019

(ARVIND SINGH SANGWAN)
JUDGE

yakub

Whether speaking/reasoned	Yes/No
Whether reportable:	Yes/No