

CRM-19968-2020 in/and
CRM-M-13176-2020
Date of decision: 14.09.2020

VARUN KUMAR @ PARTH

..PETITIONER

VERSUS

STATE OF HARYANA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURIPresent: Mr. Padamkant Dwivedi, Advocate
for the petitioner.

Mr. Amrik Singh Narwal, DAG, Haryana.

Mr. Abhinav Sood, Advocate
for respondent No.3/complainant.

VIVEK PURI,J. (ORAL)**CRM-19968-2020**

For the reasons mentioned in the application, the same is allowed.

Documents Annexure P-9 to P-15 are taken on record subject to all just exceptions.

CRM-M-13176-2020

The petitioner namely Varun Kumar @ Parth is seeking regular bail in the case bearing FIR No. 17 dated 08.01.2020 under Sections 120B/381/406/420/506/467/468 and 471 of IPC, at Police Station Sonipat City, District Sonipat has been registered at the instance of Manjesh Khatri.

Precisely, the allegations are to the effect that the complainant is running the business of medical store under the name and style of Chavi Associates. The complainant had engaged Mayank Bhai as an employee. Subsequently, Mayank alongwith the petitioner had represented to the complainant for supplying medical surgical items and on that pretext huge amount has been extracted from the complainant.

It has been contended by the learned counsel for the petitioner that his arrest was effected as back as on 12.01.2020, the investigation of the case qua petitioner is complete, challan has been presented in the Court on 30.03.2020 and the conclusion of the trial is likely to take some time.

It has been further stated that the amounts were transferred in the account of the petitioner since March, 2019 and the same were further transferred to the account of other persons at the instance of the complainant.

On the contrary, it has been argued by the learned counsel for the State and the complainant that the petitioner alongwith co-accused has duped the complainant for an amount to the extent of Rs.1 Crore. Furthermore, Mayank Bhai, the co-accused is absconding though it has been alleged that he has prepared a suicide note but his dead body was never recovered. The amount has been transferred by the petitioner to his henchman and as such he is not entitled to the concession of bail.

In this regard, it may be mentioned here that the investigation of the case is complete, the challan has already been presented and the offences are triable by the Court of Judicial Magistrate 1st Class. Although the pre-arrest bail applications of Deepak, Chanderkanta and Dinesh Kumari, to whom it has been alleged that the petitioner had further transferred the amount, were dismissed in February, 2020 but till date none of them has been arrested. Moreover, it may not be appropriate to further detain the petitioner in custody on the score that the co-accused are yet to be arrested particularly because he is in custody for the last about 08 months and challan qua him has already been presented in the Court. Furthermore, it may be mentioned here that the trial of the case is not progressing on account of restricted hearing due to Covid-19 Pandemic.

In these circumstances, without expressing any opinion on the merits

of the case, the instant petition is allowed. The petitioner is ordered to be released on bail on his furnishing requisite bail bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

14.09.2020
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(VIVEK PURI)
JUDGE

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