

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

CRM-M-20374-2020

Date of decision: August 10, 2020

Shiv Om @ Shivam

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Diwan S. Adlakha, Advocate
 for the petitioner.

Mr. Kuldeep Tiwari, Additional A.G., Haryana.
(through video conferencing).

ARVIND SINGH SANGWAN, J. (Oral)

This is the first petition under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case bearing FIR No.24 dated 22.2.2020 under Sections 406, 420, 467, 468, 471, 506 IPC, registered at Police Station Jagadhri Sadar, District Yamuna Nagar.

Counsel for the petitioner submits that the petitioner is in custody since 18.5.2020, the investigation is complete and the allegations against the petitioner are that he has taken Rs.06 Lacs from the complainant for giving job to his son Sumit Kumar in a Bank.

Counsel for the petitioner further submits that the allegations pertain to the year April/May, 2016 and even in the FIR it is mentioned that the petitioner has given a cheque to the complainant, which was dishonoured by the Bank. He further submits that, in fact, on that account, the present FIR has been registered as the complainant did not file any complaint under Section 138 of the Negotiable Instruments Act.

Counsel for the petitioner also submits that co-accused of the petitioner, namely, Raj Kumar has already been granted the concession of regular bail vide order dated 25.6.2020 passed in CRM-M-14503-2020.

Counsel for the petitioner further submits that without prejudice to his right of defence, he is ready to deposit an amount of Rs.1,50,000/- with the trial Court/Illaqua Magistrate/Duty Magistrate to be kept in FDR, subject to final outcome of the case.

The learned State counsel has not disputed the factual position and submitted that the petitioner has provided certain forged documents to the complainant; like appointment letter and on that account, the complaint was filed. However, it is not disputed that the incident pertains to the year 2016 and the FIR has been registered in the year 2020. As per the allegations in the FIR, the learned State counsel also could not dispute that the alleged amount of Rs.06 Lacs was paid in cash and not by any bank transaction.

After hearing counsel for the parties, considering the fact that the petitioner is not involved in any other case; his co-accused Raj Kumar has already been granted the concession of regular bail; the petitioner has volunteered to deposit Rs.1,50,000/- with the trial Court without prejudice of his right of defence, this petition is allowed and the petitioner is directed to be released on bail, subject to furnishing bail/surety bonds and the condition that he will deposit an amount of Rs.1,50,000/- with the trial Court/Illaqua Magistrate/Duty Magistrate, which shall be kept in FDR fetching higher rate of interest, subject to final outcome of the case.

The petition stands disposed of.

August 10,2020
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(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No