

In virtual Court

CRM-M-21355-2020

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-21355-2020 (O&M)

Date of decision: 11.08.2020

Sunil Kumar

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. M.S. Dalal, Advocate for the petitioner.

Mr. Kuldeep Tiwari, Addl. AG, Haryana.

ARVIND SINGH SANGWAN, J. (ORAL)

This is 2nd petition for grant of regular bail in FIR No.231 dated 08.06.2016 under Sections 406, 420 IPC and Sections 380, 419, 467, 468, 471 IPC (added later on), registered at Police Station Civil Lines, Kaithal, District Kaithal; earlier one was dismissed as withdrawn vide order dated 17.07.2017.

Learned counsel for the petitioner submits that now this second bail application has been filed, as custody of the petitioner is long and on account of COVID-19 situation, the trial is not proceeding. It is further submitted that as per allegations in the FIR, the petitioner, by misusing the cheque of Rs.40,000/- of the complainant, has transferred an amount of Rs.90,000/-, by playing a fraud. It is also submitted that in order to show his bonafide and without prejudice to his right of defence, the petitioner is ready to deposit Rs.50,000/- with the trial Court/Illaq Magistrate subject to final outcome of the trial.

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Learned State counsel has filed the custody certificate in the Court today and as per this custody certificate, the petitioner is in custody for the last about 01 year and 06 months and is involved in some other FIRs, in which, according to the petitioner, he is on bail. Learned State counsel has, however, submitted that the petitioner was earlier declared a proclaimed offender and to ensure that he will appear before the trial Court, he may be directed to furnish bail bonds along with one local surety.

After hearing learned counsel for the parties, without commenting anything on merits of the case and considering the fact that the petitioner absented from the Court proceedings on 20.11.2018 and was re-arrested on 02.03.2020, this petition is allowed and the petitioner is directed to be released on regular bail subject to furnishing his bail/surety bonds to the satisfaction of the trial Court/Illaqa Magistrate/Duty Magistrate, concerned.

This will, however, be subject to the condition that the petitioner will furnish a local surety along with the bail/surety bonds and will also deposit Rs.50,000/- with the trial Court/Illaqa Magistrate, and the same will be kept in an FDRs, fetching higher rate of interest, subject to final outcome of the case.

Petition is disposed of.

[ARVIND SINGH SANGWAN]
JUDGE

11.08.2020
vishnu

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No