

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

Sr. No.201

CRM-M-21949-2020

Date of decision: 09.09.2020

Sunil Bajaj

....Petitioner

versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Akshay Jindal, Advocate
for the petitioner.

Mr. Ashok Kumar Sehrawat, DAG, Haryana.

Mr. Amtiaz Sandhu, Advocate
for the complainant.

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DEEPAK SIBAL, J. (Oral)

Case taken up through video conferencing.

The present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in FIR No.0134 dated 08.03.2018 registered under section 406, 420, 120B, 201 IPC at Police station Qila District Panipat.

Briefly stated, the case of the prosecution is that on the false representation by the petitioner that he was having good political relations and was starting business at Panipat, the complainant invested with the petitioner an amount of Rs.14,15,733/- which was not returned by the petitioner. Further, the complainant had come to know that the petitioner has played similar fraud with other persons as well.

Learned counsel for the petitioner inter alia contends that the petitioner has been in custody for the last over 08 months; the dispute between the parties is primarily of a civil nature; the report under Section 173 Cr.P.C. has already been filed and therefore, the petitioner is not in a position to influence the investigation; to show his bona fides, the petitioner has already deposited with the Trial Court the entire disputed amount of Rs.14,15,733/-; the petitioner did not misuse the interim bail

granted to him by this Court and that the trial in which the prosecution is to produce 24 witnesses will take a long time to conclude.

Learned State counsel does not dispute the fact that the petitioner has already made a deposit of the entire disputed amount; the challan under Section 173 Cr.P.C. has already been filed; the interim bail was not misused by the petitioner and that the trial is yet to commence.

Since the petitioner is in custody for about 08 months; to show his bona fides the petitioner has already deposited the entire disputed amount before the Trial Court; the concession of interim bail granted to him by this Court has not been misused by him; challan under Section 173 Cr.P.C. has been filed and the trial which is yet to commence will take a long time to conclude, the order dated 18.08.2020 granting interim bail to the petitioner is made absolute.

It is clarified that the above observations have been made only for the limited purpose of deciding the present regular bail application and the same would not be construed to be an expression of opinion on the merits of the case.

(DEEPAK SIBAL)
JUDGE

September 09, 2020

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Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No