

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH.

(204)

CRM-M-23469-2020

Date of Decision: September 25, 2020

Tripata Devi

.. Petitioner

Versus

State of Haryana

.. Respondent

(Through video conferencing)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Sanchit Punia, Advocate, for the petitioner.

Ms. Safia Gupta, Assistant Advocate General, Haryana.

HARSIMRAN SINGH SETHI, J.(ORAL)

Present petition has been filed under Section 439 Cr.P.C for the grant of regular bail to the petitioner in respect of FIR No.156 dated 26.06.2019 under Sections 420 & 406 IPC registered at Police Station Sadar Tohana, District Fatehabad.

Learned counsel for the petitioner argues that complainant had deposited the money with the company known as 'KEN Agriculture Developers India Limited' whereas the petitioner was only an employee of the company. Learned counsel for the petitioner submits that no amount of money which was deposited by the complainant was ever transfer to the account of the petitioner. Learned counsel for the petitioner further submits that the petitioner has no role to play with regard to the allegations of duping the complainant by the said amount. Learned counsel for the petitioner further submits that the petitioner is already behind bars since

04.03.2020 and therefore, the benefit of regular bail be granted to the petitioner.

Notice of motion.

Ms. Safia Gupta, Assistant Advocate General, Haryana, who has joined the proceedings through video conference, keeping in view the service of advance copy of petition accepts notice on behalf of respondent-State.

Learned counsel appearing on behalf of the respondent-State submits that though, the petitioner was only the employee of the company but the owners of the company are also not traceable. Learned counsel for the respondent-State further submits that as the challan is yet to be presented, there is a likelihood that petitioner might influence investigation or the trial thereafter and therefore, the prayer of the petitioner for the grant of regular bail may kindly be rejected.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

Once, the allegation of duping the complainant is against the company known as 'M/s KEN Agriculture Developers India Limited' and the petitioner was only an agent of the said company and no part of the amount received by the company was transferred to the account of the petitioner, and the trial is likely to take some time, the petitioner has made out a case for the grant of regular bail.

With regard to the argument that the petitioner is likely to influence the investigation, the same also seems not to be correct as the petitioner was granted interim bail by the trial Court for a period of 45 days, which was availed by the petitioner and there is no allegation that

the petitioner misused the said concession to influence the investigation.

Keeping in view the above, the petitioner has made out a case for the grant of regular bail.

In view of the above and without commenting upon the merits of the case, it is directed that the petitioner be released on regular bail, subject to the satisfaction of the trial Court/Duty Magistrate concerned.

Learned counsel for the petitioner undertakes that petitioner will not influence trial in any manner including influencing the witnesses and in case of default of the above undertaking, State will be at liberty to approach this Court for passing appropriate orders.

However, it is made clear that anything observed herein shall not be construed to be an expression of any opinion on the merits of the case.

(HARSIMRAN SINGH SETHI)
JUDGE

September 25, 2020
harsha/naresh.k

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