

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

CRM-M-30568-2020

Date of Decision: November 03, 2020.

SUNIL KUMAR

..... Petitioner(s)

Versus

STATE OF HARYANA

..... Respondent(s)

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Vivek Gupta, Advocate
for the petitioner.

Mr. Anmol Malik, DAG, Haryana.

LISA GILL, J.

This matter is being taken up for hearing through video conferencing due to outbreak of the pandemic, COVID-19.

The petitioner prays for grant of bail pending trial in FIR No. 121 dated 15.07.2020, under sections 406, 420, 506 IPC and under Section 24 of the Emigration Act, Police Station Kunjpura, District Karnal.

Learned counsel for the petitioner argues that the petitioner has been unnecessarily and falsely implicated in this case due to his relationship with the co-accused Rahul, who is the petitioner's son. It is submitted that the petitioner had in fact disowned Rahul, way back in May 2018. A notice in this regard was also published in the newspaper Punjab Kesri on 29.05.2018 (Annexure P-3). Allegations of misappropriation, cheating and extracting of Rs.14,00,000/- by fraud have been leveled by the complainant, primarily against Rahul, on the pretext of sending complainant's cousin brother abroad. Learned counsel for the petitioner argues that even as per the

allegations in the FIR, a sum of Rs.1,00,000/- is alleged to have been handed over to the petitioner by the complainant, at the instance of co-accused Rahul. Learned counsel for the petitioner submits that in order to show the petitioner's *bonafide* and pursuant to order dated 08.10.2020, passed in this petition an amount of Rs.1,00,000/- stands deposited before the learned trial Court on 20.10.2020 without prejudice to his rights. The petitioner, it is submitted, is not involved in any other criminal case and he undertakes to face trial. It is, thus, prayed that this petition be allowed.

I have heard learned counsel for the parties.

Learned counsel for the State while opposing this petition, submits that specific allegation has been raised in the FIR that a sum of Rs.1,00,000/- was handed over in cash to the petitioner on instructions of co-accused Rahul.

It is not denied that the sum of Rs.1,00,000/- stands deposited by the petitioner before the learned trial Court without prejudice to his right. It is further verified by learned State counsel, on instructions from ASI Salinder Kumar, that the petitioner is not involved in any other criminal case. Co-accused Rahul is in custody. Final report under Section 173 Cr.P.C./challan stands presented.

There is no allegation that the petitioner is likely to abscond or not be available for trial. Due to the situation created by outbreak of the pandemic COVID-19, trial in this case is not likely to be concluded in the near future. No useful purpose would be served by keeping the petitioners incarcerated any longer.

Keeping in view the facts and circumstances of the case but without commenting upon or expressing any opinion on the merits thereof, this petition is allowed. The petitioner be released on bail pending trial subject to his furnishing requisite bail bonds and surety to the satisfaction of the learned Trial Court/Duty Magistrate. It is further directed that the amount of Rs.1,00,000/- deposited by the petitioner before the trial Court on 20.10.2020, shall be kept in FDR earning maximum interest till appropriate orders are passed by the learned trial Court at the conclusion of the trial. Needless to say, the said deposit is without prejudice to the rights of the petitioner.

It is clarified that none of the observations made hereinabove shall be construed to be a reflection on the merits of the case. The same are solely confined for the purpose of decision of the present petition.

03.11.2020

Sunil

(LISA GILL)
JUDGE

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No