

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH.

(209)

CRM-M-30624-2020

Date of Decision: October 07, 2020

Sourabh Sharma

.. Petitioner

Versus

State of Haryana

.. Respondent

(Through video conferencing)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

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

Ms. Rajni Gupta, Additional 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.108 dated 10.07.2020 under Sections 370, 420, 406, 506 IPC and Section 10 of the Immigration Act registered at Police Station Radaur, District Yamuna Nagar, Haryana.

Learned counsel for the petitioner argues that the ingredients of Section 370 IPC as well as the other sections imposed in the FIR are not made out keeping in view the allegations, which have been alleged in the FIR. Learned counsel for the petitioner further submits that story, which has been concocted by the complainant, is incorrect and allegations alleged in the FIR are yet to be proved and there is a delay of one year in the

registration of the FIR. Learned counsel for the petitioner submits that as the challan has already been presented, the petitioner be granted the concession of regular bail.

Notice of motion.

Ms. Rajni Gupta, learned Additional 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 the respondent-State.

Learned counsel for the respondent-State submits that the section which has been imposed in the FIR are as per the allegations as alleged by the complainant in the FIR. Learned counsel for the respondent further submits that the recovery of Rs.30,000/- has been done from the petitioner and the complainant's brother had recorded the payment of the amount to the petitioner on camera. Learned State counsel submits that grant of bail to the petitioner at this stage of the trial, when charges are yet to be framed and complainant is yet to be examined, will cause interference in trial.

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

With regard to the arguments raised by learned counsel for the petitioner that ingredients of Section 370 of IPC are not made out keeping in view the allegations alleged in the FIR, the said issue is not required to be adjudicated by this Court at this stage as the same can only be proved during the trial keeping in view the evidence adduced. Prima facie, the allegations against the petitioner are serious. The petitioner has taken a large amount of money from the complainant for sending him abroad by making false

promise and the acceptance of money is recorded on camera. The stage of the trial is as such, the charges are yet to be framed and the complainant is yet to be examined.

Keeping in view the status of the trial, in case, the petitioner is granted the benefit of bail at this stage, he is likely to interfere in the trial especially when complainant is yet to be examined.

No ground is made to grant the benefit of regular bail to the petitioner, at this stage.

Dismissed.

(HARSIMRAN SINGH SETHI)
JUDGE

October 07, 2020
harsha/naresh.k

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