

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

CRM-M-22482 of 2020

DATE OF DECISION :- March 17, 2021

Sumer Kundu alias Shera

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE H.S. MADAAN

Present:- Mr. Vikas Bishnoi, Advocate for the petitioner.

Mr. Tanuj Sharma, AAG, Haryana.

The case has been taken up through Video Conferencing.

This petition for pre-arrest bail has been filed by petitioner Sumer Kundu alias Shera, aged about 47 years, son of Shri Prithvi, resident of Village Kinala Tehsil Uklana, District Hisar, an accused in F.I.R. No. 102 dated 7.8.2019 registered with Police Station Alewa, District Jind for offences under Sections 406, 420, 506 and 34 IPC.

Briefly stated the prosecution story is that petitioner accused Sumer Kundu alias Shera along with his co-accused had induced various persons to part with Rs.5,000/- each on the allurement of procuring grant of Rs.5 lacs/Rs.3 lacs from government for them. It was so done during the period in December 2018 to January 2019 in village Hassanpur within jurisdiction of Police Station Alewa, District Juind. Subsequently, it transpired that petitioner had played fraud with innocent villagers and when they demanded their money back he threatened them.

On matter being reported to the police, formal F.I.R. was registered. Apprehending his arrest in this case, petitioner accused Sumer Kundu alias Shera had filed an application for grant of pre-arrest bail before the Court of Sessions at Jind, his such application was assigned to Additional Sessions, Jind, who vide order dated 23.7.2020 dismissed the same. Feeling aggrieved, the petitioner has knocked at the door of this Court by way of filing the instant petition, notice of which was given to the State.

I have learned counsel for the petitioner and learned State counsel besides going through the record.

Learned counsel for the petitioner has contended that the petitioner has since joined the investigation in terms of the directions issued to him by this Court vide order dated 10.9.2020; as directed he has deposited a sum of Rs.2.5 lacs in the trial Court; since no recovery is to be effected from him, his petition be accepted. Learned State counsel has though conceded that petitioner has joined the investigation and deposited sum of Rs.2.5 lacs in the trial Court but has contended that he was put several relevant questions to which he has not given clear answers which were with regard to co-accused Manjit Mor and he has not recovered the ID proofs and forms which were got filled by him from the complainant/victim. Learned counsel for the petitioner has contended that whatever information the petitioner was having with regard to Manjit Mor, he has disclosed the same to the investigating officer and because of the fact that since long Manjit Mor is not in contact with the petitioner, the petitioner is unable to give the whereabouts of Manjit Mor. As regards the forms and ID proofs of the victims, learned counsel for the petitioner submits that the petitioner had not taken any such forms and ID proofs; and to show his bonafides he has

deposited Rs.2.5 lacs out of alleged fraud amount of Rs.3.5 lacs.

After hearing learned counsel and going through the record, I find that it is for the investigating agency to apprehend all the culprits in the case and to effect recovery of the documents, if any. Since there are said to be two more accused in this case, there could be possibility of such documents being in their custody.

Thus keeping in view the totality of circumstances, I find that petition deserves to be accepted, the same is allowed. The interim bail granted to the petitioner on 10.9.2020 is made absolute, subject to the following conditions :-

- (i) he shall join the investigation as and when so directed.
- (ii) he shall appear in the Court on each and every date of hearing.
- (iii) he shall not give any threat or intimidation to the prosecution witnesses.
- (iv) he shall not leave India without prior permission of the Court.
- (v) he shall surrender his Passport before the Investigating Officer and if he is not having Passport then shall file the affidavit in that regard.

In case the petitioner violates any term and condition on which the bail has been granted to him, the prosecution would be entitled to apply for cancellation of bail.

(H.S. MADAAN)
JUDGE

March 17, 2021

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Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No