

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

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**CRM-M-30253-2021
Date of Decision : 06.08.2021**

Aawez

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Karan Singh, Advocate
for the petitioner.

Mr. Sumit Jain, Addl. A.G., Haryana
for the respondent-State.

ARUN KUMAR TYAGI, J. (Oral)

The case has been taken up for hearing through video conferencing.

The petitioner has filed the present petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in case FIR No.233 dated 07.05.2021 registered under Sections 420, 467, 468, 471 and 120-B of the Indian Penal Code, 1860 and Section 66 and 66-D of the Information Technology Act, 2008 at Police Station Kaithal City, District Kaithal.

The above-said FIR registered on the basis of complaint made by Rakesh Kumar alleging that he had applied for a job in M/s Kaveri Business Solution Pvt. Ltd., Dehradun through online portal and at the time of joining, the aforesaid company promised him to pay salary of Rs.25,000/- and Rs.5,000/- towards expenses. The company has also given a target to him for opening of 10 loan files at the rate of Rs.4100/-

each towards processing fees. He had opened 10 loan files and also transferred the amount towards processing fee for 10 files through Amazon online. Thereafter, neither the company paid the loan amount to the aforesaid 10 customers nor paid his two months salary.

The petitioner, being in custody since 23.06.2021, has filed the present petition for grant of regular bail with prayer for grant of interim bail on the ground that marriage of his sister is scheduled to be held on 09.08.2021.

Learned Counsel for the petitioner has submitted that the petition may be treated as the one for grant of interim bail to the petitioner and the same may be dismissed as withdrawn at this stage so far as grant of regular bail during trial is concerned.

The petition has been opposed by learned State Counsel. However, no reply has been filed by the respondent-State.

I have heard learned Counsel for the petitioner and learned State Counsel and gone through the record.

Learned Counsel for the petitioner has argued that the petitioner was not named in the FIR which was registered against unknown person. The petitioner was falsely implicated in the case. ATM Cards shown to have been recovered from the petitioner were planted on him. The petitioner is now merely seeking interim bail on the ground of marriage of his sister which is scheduled to be performed on 09.08.2021. Presence of the petitioner, being only brother, is essential at the time of marriage. Therefore, the petitioner may be ordered to be released on interim bail.

On the other land, learned State Counsel has argued that the

petitioner along with his co-accused cheated the complainant. In view of nature of accusation and gravity of offences, the petitioner does not deserve grant of interim regular bail. Therefore, the petition treated as the one for grant of interim regular bail may be dismissed.

Marriage of sister of the petitioner is scheduled for 09.08.2021. In view of the facts and circumstances of the case particularly the fact that presence of the petitioner, being the only brother, will be necessary at the time of marriage of his sister for performance of traditional rites and ceremonies, I am inclined to extend the concession of interim bail to the petitioner for 10 days for attending the marriage of his sister.

In view of the above, the petitioner is ordered to be released on interim bail for 10 days from 07.08.2021 on furnishing of personal and surety bonds in heavy amount by him to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate concerned and the petition, which has been on the request of learned Counsel for the petitioner treated as the one for grant of interim regular bail only, is disposed of accordingly.

06.08.2021

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(ARUN KUMAR TYAGI)
JUDGE

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