

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-34309-2021 (O&M)
Date of Decision:-11.11.2021

Sunil ... Petitioner

Versus

State of Haryana ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Sandeep Goyat, Advocate for the petitioner.

Mr. Rajiv Sidhu, DAG, Haryana,
assisted by ASI Ram Kumar.

(proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J.(Oral)

1. The petitioner has approached this Court seeking grant of regular bail in respect of a case registered vide FIR No.70 dated 5.2.2021 at Police Station Azad Nagar, Hisar, District Hisar, Haryana under Sections 406, 420, 506 of Indian Penal Code, wherein offences under Sections 467, 468, 471 and 120-B of IPC were added later on, wherein the complainant has alleged that the petitioner had cheated him of an amount of ₹6 lakhs on the pretext that the petitioner would arrange a job for him in Army. While an amount of ₹2 lakhs is stated to have been paid in the bank account of the petitioner, an amount of ₹4 lakhs is stated to have been paid in cash.

2. Learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in the present case and that, in any case, in order to prove his *bonafides*, he is willing to deposit an amount of ₹4 lakhs with the Illaqa Magistrate/Trial Court.
3. Opposing the petition, learned State counsel has submitted that since the allegations as levelled in the FIR virtually stand substantiated from the fact that a part of the amount has been transferred into the bank account of the petitioner, no case for grant of bail is made out. Learned State counsel has, however, informed that the petitioner as on date has been behind bars since the last about 7 months and that challan already stands presented. It has also been informed that the petitioner stands convicted in one more case registered under Sections 406 and 420 of Indian Penal Code.
4. I have considered rival submissions addressed before this Court.
5. Without commenting anything as regards merits of the case but while noticing that the petitioner has been behind bars for a substantial period of about 7 months and challan already stands presented, further detention of the petitioner will not serve any useful purpose. The petition, as such, is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.
6. The petitioner, as per offer made before this Court today, is directed to deposit an amount of ₹4 lakhs before the Trial Court within a period of 1 month from today. Upon depositing of such amount, the Illaqa Magistrate/Trial Court shall get the said amount invested in FDR in some Nationalized Bank. However, the petitioner will not be able to encash the

said FDR without permission of the Court. In case, the petitioner is held guilty and such judgment of conviction attains finality, the complainant would be entitled to the proceeds of the FDR. However, in case, the petitioner is acquitted and such acquittal attains finality, the proceeds of the FDR shall be released to the petitioner.

7. The petition stands disposed off accordingly.

11.11.2021

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No