

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

**CRM-M-36441-2021
DECIDED ON: 7th SEPTEMBER, 2021**

ROBIN RICHARD

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN.

Present: Mr. ADS Sukhija, Advocate for the petitioner.

Ms. Monika Jalota, DAG, Punjab.

Mr. S.P. Soi, Advocate for the complainant.

AVNEESH JHINGAN, J (ORAL)

[1] This petition under Section 439 Cr.P.C. is filed for regular bail in FIR No. 19, dated 6th February, 2021, under Sections 406 & 420 IPC, registered at Police Station Shahkot, District Jalandhar (Rural).

[2] There is a prayer for interim bail on the ground of the medical condition of the wife of the petitioner. As per the pleadings the wife of the petitioner is expecting and her expected date of delivery is in third week of September, 2021.

[3] The brief facts of the case are that FIR was registered at the instance of Sangeeta Kumari. The allegations were that the petitioner duped her of amount of ₹15 lacs on the pretext of sending her, her son and brother to abroad. Some amount was paid through banking cheques.

[4] On the last date of hearing, learned State counsel took time to verify the medical condition of the wife of the petitioner.

[5] Learned counsel for the petitioner submits that reserving the right to defence but to show *bonafide*, petitioner is ready to deposit an amount of ₹4,00,000/- within two months before the trial Court.

[6] Learned State counsel relies upon the pleadings of the Status Report dated 6th September, 2021, wherein, it is stated that the wife of the petitioner is nine months pregnant and is having complications. Her due date of delivery is verified by the doctor. She submits that the investigation is complete and challan stands presented.

[7] Though the complainant is not impleaded as party but Mr. S.P. Soi, Advocate appears on behalf of the complainant and vehemently opposes the prayer for grant of interim bail as well as regular bail on the ground that there is every apprehension that the petitioner will leave the country.

[8] At this stage learned counsel for the petitioner submits that the petitioner volunteers to surrender his passport before the trial Court, if not already surrendered.

[9] The petitioner is in custody since 6th July, 2021. The investigation is complete and challan stands presented. The offer made by the petitioner to show his *bonafide* is worth acceptance at this stage.

[10] Considering the medical condition of the wife of the petitioner, he is granted four week interim bail on furnishing surety bonds to the satisfaction of learned Chief Judicial Magistrate/Duty Magistrate concerned. Petitioner shall deposit an amount of ₹2,00,000/- within three weeks from today and balance amount of ₹2,00,000/- within five weeks thereafter before the trial Court. The amount deposited by the petitioner shall be kept in FDR in a nationalized bank which shall be subject to the outcome of the trial.

[11] In case the petitioner deposit an amount of ₹2,00,000/- within three weeks, interim bail will continue for another five weeks and on deposit of the balance amount of ₹2,00,000/- within the stipulated period the interim bail shall be considered as absolute.

[12] It is further clarified that in case of failure to deposit the amount in a stipulated time under any condition the interim order shall stands automatically vacated without reference to the court.

[13] The petition is disposed of.

[14] It is clarified that the observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

7th SEPTEMBER, 2021
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(AVNEESH JHINGAN)
JUDGE

Whether speaking/reasoned Yes
Whether reportable Yes