

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

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**CRM-M-45651-2021
Date of Decision: 03.11.2021**

Sunil Bishnoi

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

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

Mr. Rajiv Sidhu, DAG, Haryana.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court seeking grant of regular bail in respect of a case registered against him vide FIR No.582 dated 26.11.2019 at Police Station HTM, District Hisar, under Sections 406 and 420 IPC.
2. The FIR was lodged at the instance of Lilu Ram, wherein it has been alleged that he was introduced to Surjeet Singh by the petitioner Sunil Bishnoi and that the petitioner introduced Surjeet Singh as a Superintendent of Police in Railway Police. It is alleged that aforesaid accused Surjeet Singh while impersonating as a Superintendent of Police represented to the complainant that he could get him employed in the Railway Department and the complainant being taken in by the said representation agreed for the same. The

complainant alongwith his four other acquaintances paid an amount of Rs.6.84 Lakhs for getting employment to co-accused Surjeet Singh. However, later the complainant realized that they had been defrauded by the accused.

3. Learned counsel for the petitioner has submitted that even if the allegations as levelled in the FIR are taken to be correct, the only role attributed to the petitioner is that he had introduced the complainant to Surjeet, who had impersonated himself as Superintendent of Police in Railway Department and that there is no allegation in the FIR to the effect that any amount had been handed over to the petitioner.
4. Opposing the petition, learned State counsel has submitted that since the petitioner is specifically named in the FIR and it was upon his introduction that the complainant came to know the main accused Surjeet, who impersonated himself as Superintendent of Police and deprived the complainant and others of a huge amount of Rs.6.84 Lakhs, 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 4½ months and that he is not involved in any other case.
5. I have considered rival submissions addressed before this Court.
6. It is no doubt correct that the petitioner is specifically named in the FIR. However, it is against the co-accused that specific allegations of impersonation and holding out a false representation that the complainant and others would be provided with a job, have been levelled. In any case, the petitioner as on date has been behind bars for a substantial period of 4½ months. The challan already stands presented. As per the information furnished by the State counsel, the

petitioner is not stated to be involved in any other case. Conclusion of trial is likely to consume time as the charges have not even been framed so far and trial is yet to commence. In these circumstances, 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.

7. The aforesaid order shall, however, be subject to the petitioner depositing an amount of Rs.1 Lakh before the trial Court within 10 days from today. Upon such amount being deposited, the trial Court/Illaq Magistrate shall get the same invested in some FDR with a specific direction to the Bank Manager concerned not to entertain any request for encashment except under an order of the Court. In case, the petitioner is found innocent and is acquitted and such acquittal attains finality, he shall be entitled to the proceeds of the FDR. However, in case he is found guilty and his conviction attains finality, it is the complainant who shall be entitled to the proceeds of such FDR.

03.11.2021

VY

(GURVINDER SINGH GILL)**JUDGE**

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