

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

-.-

CRM-M-42172-2020 (O&M)

Date of decision : 27.01.2021.

Rajnish Puriya

.....Petitioner

Vs.

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ALKA SARIN

Present: Mr. Varun Baanth, Advocate for the petitioner.

Ms. Dimple Jain, AAG, Haryana.

ALKA SARIN, J. (ORAL)

Heard through video conferencing.

This is a petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in FIR No.0644 dated 21.10.2020 under Sections 147, 149, 323, 365, 379-B of the Indian Penal Code, 1860 ('IPC' for short) registered at Police Station Hisar City, District Hisar.

Learned counsel for the petitioner would contend that there is a lot of litigation going on between the complainant and the petitioner and the present FIR is a result of the same. Learned counsel would further contend that way-back in July, complaints were given by him, which have been appended with the petition as Annexures P-3 and P-4, regarding the complainant having cheated the petitioner of Rs.15,20,000/- under the pretext of installing a Solar Power Plant. Learned counsel for the petitioner has further contended that even a complaint under Section 138 of the Negotiable Instruments Act, 1881 ('NI Act' for short) was filed by the petitioner in July 2020, which has been appended as Annexure P-5, and the present FIR was lodged only to exert pressure on the petitioner to withdraw the said complaints. Learned counsel has further submitted that even as per

challan already stands presented in the present case.

Ms. Dimple Jain, AAG, Haryana has filed a status report by way of affidavit of Ashok Kumar, HPS, Deputy Superintendent of Police, Headquarter, Hisar wherein it has been stated that the petitioner is involved in two other cases. It has further been stated that the investigation in the present case is complete and the challan stands presented. Learned counsel for the State has also submitted that the injuries received by the complainant are simple in nature.

Learned counsel for the petitioner, qua the two FIRs pending against him, has stated that in both the FIRs he has been granted bail.

I have heard learned counsel for the parties.

The present case, *prima facie*, appears to be a counter-blast to the complaints filed by the petitioner. In July 2020 the petitioner filed two complaints qua cheating against the complainant and a complaint under Section 138 of the NI Act was also filed in July 2020. The challan stands already presented in the present case. No recovery is to be effected from the petitioner.

In view of the above, without commenting on the merits of the case and the fact that the trial is unlikely to conclude in the near future in view of the current scenario in the wake of the outbreak of the COVID-19 pandemic, I deem this to be a fit case to direct the release of the petitioner on regular bail subject to his furnishing heavy bail bonds/surety bonds to the satisfaction of the Chief Judicial Magistrate/Trial Court/Duty Magistrate concerned.

However, the Prosecution will always be at liberty to apply for cancellation of bail in case the petitioner is found to be misusing the concession of bail in any manner.

It is also made clear that any observation made herein shall not be treated as an expression of opinion on the merits of the case.

Disposed off.

January 27, 2021
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(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Yes/No
 Whether reportable: Yes/No