

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH.**

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CRM-M-2896-2022

Date of decision: 28.01.2022

RAJENDER KUMAR

.....Petitioner

Versus

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE SANT PARKASH

Present : Mr. Munish Behl, Advocate
for the petitioner.

Mr. Amreek Singh Narwal, DAG, Haryana
for the respondent-State.

Mr. Pankaj Bali, Advocate
for the complainant.

SANT PARKASH, J. (ORAL)

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

Prayer in this petition filed under Section 439 of the Code of Criminal Procedure, 1973 is for grant of regular bail to the petitioner, in case, FIR No. 257 dated 26.08.2021 registered under Sections 406, 420, 506 and 120-B of the Indian Penal Code, 1860 at Police Station Mahesh Nagar, District Ambala.

The present FIR was registered on complaint made by Sanjay Kumar on the allegations that the petitioner along with other co-accused dishonestly induced him for providing medicines for curing serious disease like cancer which would cost Rs.4/5 crores. The complainant paid an amount of Rs.Two crores and Forty lacs along with one blank cheque and one blank affidavit on 11.01.2019 to the

accused persons but they never provided the said medicines and had defrauded the complainant.

I have heard learned Counsel for the parties and gone through the case file.

Learned Counsel for the petitioner has argued that the petitioner has been falsely implicated in the present case. There is unexplained delay in lodging of the present FIR. No recovery is to be effected from the petitioner. Co-accused Lakhwinder Singh @ Ranjeet Singh has already been granted the concession of regular bail by the trial Court vide order dated 22.12.2021. The petitioner is in custody since 31.12.2021 and trial is likely to take long time due to restrictions imposed to prevent spread of infection of Covid-19. No useful purpose will be served by keeping the petitioner in custody. Therefore, the petitioner may be ordered to be released on regular bail.

Learned Counsel for the petitioner has further submitted that the dispute/matter has been compromised with the complainant and in view of the settlement the complainant has undertaken that he has no objection if the petitioner is granted the concession of bail.

Mr. Pankaj Bali, Advocate has appeared on behalf of the complainant and undertakes to file his power of attorney in the Registry.

Learned Counsel for the complainant has admitted the factum of compromise and has submitted that he has no objection in case the petitioner is granted regular bail in the present case.

On the other hand, learned State Counsel has submitted

that the petitioner along with other co-accused have defrauded people on the pretext of providing medicines for curing serious disease like cancer. In view of the gravity of accusation, the petitioner does not deserve grant of regular bail. Therefore, the petition may be dismissed.

Learned State Counsel has further submitted that the petitioner is involved in two other cases however, he has already been granted anticipatory bail in both these cases.

Having considered the facts and circumstances of the case, the matter has been compromised/settled by the petitioner with the complainant, no recovery is to be effected from the petitioner and the fact that the trial is likely to take long time due to restrictions imposed to prevent spread of infection of Covid-19 but without expressing any opinion on the merits of case, the petition is allowed and the petitioner is ordered to be released on regular bail on furnishing of personal and surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

28.01.2022
kavneet singh

(SANT PARKASH)
JUDGE

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