

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

205

**CRM-M-10230 of 2022
Date of decision :23.03.2022**

Amit Sharma

.....Petitioner

VERSUS

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present:- Mr. Vikram Singh, Advocate, for the petitioner.

Mr. Kanwar Sanjiv Kumar, AAG, Haryana.

VINOD S. BHARDWAJ, J. (Oral)

The case has been taken up through Video Conferencing via Webex facility in the light of Pandemic Covid-19 situation and as per instructions.

The prayer in the instant petition filed under Section 439 Cr.P.C., is for grant of regular bail to the petitioner in respect of case FIR No.284 dated 21.05.2021 under Sections 406, 420 IPC and Sections 467, 468, 471, 120-B of IPC (added lateron) registered at Police Station Gharaunda, District Karnal.

Learned counsel for the petitioner *inter alia* contends that as per FIR, one Amit Sharma (petitioner herein) brought the complainant to Panchkula and allured him to get a job upon payment of Rs. 9 Lakhs. It is submitted that an amount of Rs. 1,40,000/- is stated to have been deposited in the account of the petitioner and an amount of Rs.50,000/- is alleged to have been handed over to him in cash. He has alleged that even though the money in question was received by the accused along with his co-accused, however, the petitioner did not get him any job and also did not return his money. He alleged that co-

Department. The appointment letter allegedly issued to him pertains to the FCI.

It is also argued by the learned counsel that as per the allegations levelled in the FIR, an amount of Rs. 1,40,000/- is stated to have been deposited in the account of the petitioner. Out of the said amount, a sum of Rs. 97,000/- was transferred by him to the account of co-accused i.e. Toshit Kamboj and the brother of the petitioner transferred an amount of Rs. 31,000/- and Rs. 6500/- (total Rs.37,500/-) to the account of the complainant. A balance amount of Rs. 5500/- has been recovered from the petitioner. The petitioner never issued any letter of appointment and the money already stands received. It is further contended that the petitioner is in custody since 26.11.2021. The investigation in the case is complete. Nothing is to be recovered from the petitioner. Trial has not yet commenced, hence, no purpose would be served by continued detention of the petitioner.

Learned State counsel does not dispute the said fact that investigation in the case is complete and that the offences are triable by the Court of Magistrate. It is also not denied that trial has not commenced.

I have heard learned counsel for the parties and taken into consideration the fact that the petitioner has been in custody for nearly 4 months. He is no longer required for the purpose of investigation in the case which is triable by the Court of Magistrate. Further, the disputed amount in question has already been explained and the recovery effected from the petitioner is only Rs. 5,500/-.

Without commenting upon the merits of the case and in the

totality of circumstances, I deem it fit and appropriate to enlarge the

petitioner on bail to the satisfaction of the trial Court.

The petitioner is ordered to be released on bail on his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate, Karnal.

The observation made hereinabove shall not be construed as an expression on the merits of the case and the Trial Court shall decide the case on the basis of available material.

Disposed of accordingly.

23.03.2022
anil

(VINOD S. BHARDWAJ)
JUDGE

<i>Whether speaking/reasoned :</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>