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

**CRM-M-13661-2022
Date of Decision: 06.04.2022**

Manjeet

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Keshav Pratap Singh, Advocate,
for the petitioner.

Mr. Naveen S. Panwar, D.A.G., Haryana.

Mr. Bhupinder Singh, Advocate,
for the complainant.

JASGURPREET SINGH PURI, J. (ORAL)

The present petition has been filed under Section 439 of the Cr.P.C. for grant of regular bail to the petitioner in case bearing FIR No.9 dated 06.01.2022, under Sections 406, 420, 370, 384 of the IPC and Section 24 of the Immigration Act, 1924 (Section 370, 384 of the IPC added later on), registered at Police Station Munak, District Karnal.

It has been submitted by learned counsel for the petitioner that the petitioner is in custody since 13.1.2022 and after the completion of investigation of the case, the Police has already presented the Challan under Section 173 of the Cr.P.C before the competent Court. He further submitted that it is a case where allegations against the petitioner were that he had taken an amount of Rs.13 lacs from the complainant for the purpose of

sending him abroad and thereafter, when the complainant reached Armenia, he was deported back and this is how a dispute arose. Learned counsel for the petitioner also submitted that the story stated in the FIR was totally concocted and the petitioner himself had gone to Armenia by way of taking assistance of two Travel Agents, namely, Navraj and Marath and when he came back then he got married in the village of complainant with a girl belonging to the same village and it was because of that reason that some amount was transferred in the name of the petitioner which was ultimately transferred to the aforesaid two persons and therefore, the petitioner had no role to play in the present case and the main accused were the aforesaid two persons. He further submitted that be that as it may, the investigation of the case has already been completed and the Challan has also been presented and it is yet to be ascertained at the time of trial as to whether the petitioner had any role to play or not and therefore, the petitioner may be considered for the grant of regular bail.

On the other hand, Mr. Naveen S. Panwer, learned Deputy Advocate General, Haryana has submitted that it is correct that the petitioner is in custody from 13.01.2022 and after the completion of investigation of the case, the Challan under Section 173 of the Cr.P.C has been presented before the competent Court.

Mr. Bhupinder Singh, Advocate has caused appearance on behalf of the complainant and has submitted that the petitioner has committed a fraud upon the complainant and has cheated him of rupees more than ten lacs.

I have heard the learned counsel for the parties.

The allegations in the present case were that the petitioner had taken an amount of Rs.13 lacs for sending the son of the complainant abroad but when he reached Armenia, he was deported back. The argument raised by the learned counsel for the petitioner that the petitioner was only known to the complainant and that was reason as to why the amount was transferred to him does carry weight for the purpose of considering the present petition for grant of bail. As per the learned counsel for the parties, no recovery is to be effected from the petitioner as of now and it is yet to be determined as to whether the petitioner had got any role to play or not, which can only be determined at the time of the trial. Furthermore, it is not the case of the State that in case the petitioner is released on bail then he may influence any witness or may abscond or flee from justice. The trial of the case would take long time and therefore, considering the totality of the facts and circumstances of the case, this Court deems it fit and proper to grant bail to the petitioner.

Consequently, the present petition is allowed and the petitioner is ordered to be released on bail on furnishing bail bond/surety bond to the satisfaction of the trial Court/Duty Magistrate concerned, if not required in any other case.

However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is only meant for the purpose of decision of present petition.

06.04.2022*Bhumika***(JASGURPREET SINGH PURI)**
JUDGE

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| 1. Whether speaking/reasoned: | Yes |
| 2. Whether reportable: | Yes/No |