

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

207

CRM-M-14176-2022
Date of decision: 03.08.2022

RAJ KUMAR

.....Petitioner

Versus

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR

Present : Mr. Naveen Kashyap, Advocate
for the petitioner.

Mr. Tanuj Sharma, AAG, Haryana.

SURESHWAR THAKUR, J. (ORAL)

1. The instant petition has been filed under Section 438 Cr.P.C., wherein the petitioner seeks the indulgence of this court for grant of anticipatory bail.

2. In FIR bearing No.42 of 11.02.2021, registered at Police Station Chhappar, District Yamuna Nagar, offences constituted under Sections 406 and 420 of the IPC, are embodied.

3. On a false pretext of the present bail petitioner providing a Government job to the victim-complainant, the latter is alleged to become duped in a sum of Rs. 2 lacs. Though, as a pre-condition for this Court admitting the present bail petitioner to pre-arrest bail, it was but necessary to direct him to deposit some percentum of the above embezzled sums of money in the establishment of the learned trial Magistrate concerned, and since in the above regard, the learned

counsel for the petitioner submits that the petitioner is ready and willing to deposit a sum of Rs. 30,000/-, within a week from today hence in the establishment of the learned trial Magistrate concerned.

4. Therefore, subject to the above condition precedent, this Court admits the present bail petitioner to pre-arrest bail.

5. It is further clarified that upon the above deposit being made by the petitioner, in the establishment of the learned trial Magistrate concerned, its disbursement shall be regulated by the outcome of the trial, as may become entered into the petition FIR, by the jurisdictionally empowered Magistrate.

6. Moreover, what constrains this Court to grant the prayed for indulgence, becomes comprised in the factum, that no material has been placed on record, by the prosecution, suggestive that in the event of the bail petitioner being enlarged on anticipatory bail, there is every likelihood of his fleeing from justice, and/or, tampering with prosecution evidence, thereupon too, it is not deemed fit to decline the relief of pre-arrest bail to the petitioner.

7. In aftermath, with the condition (supra), the instant petition is allowed, and, the order made by this Court on 04.04.2022, is made absolute, but subject to the bail applicant-petitioner furnishing personal, and, surety bonds in the sum of Rs.50,000/- each, to the satisfaction of the arresting officer. Furthermore, the bail applicant-petitioner, shall also give an undertaking, before the arresting officer, that as and when he is summoned through a written Hukamnama, he shall ensure his rendering his cooperation to the investigating officer. Moreover, he

shall also give an undertaking, that he shall not influence the prosecution witnesses, nor shall tamper with the prosecution evidence.

8. The afore observations are meant only for the disposal of the present petition, and, shall not affect the merits of the trial arising from FIR (supra).

03.08.2022
kavneet singh

(SURESHWAR THAKUR)
JUDGE

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