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

(1)

CRM-M-16394-2022

Date of decision:28.04.2022

GAURAV

...Petitioner

Versus

STATE OF HARYANA

...Respondent

(2)

CRM-M-16592-2022

SUNIL

...Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR

Present: Mr. Devender Singh Punia, Advocate
for the petitioner (in both cases)

Mr. Tanuj Sharma, AAG, Haryana.

SURESHWAR THAKUR, J. (ORAL)

Both the bail petitions cast under Section 439 Cr.P.C., are being disposed of through a common order, as they arise from a common FIR.

2. In FIR No.6 of 15.07.2021, registered at Police Station Cyber Crime Police Station Hisar Range Hisar, offences constituted under Sections 406, 420 of IPC, (Sections 467, 468, 471, 120-B of IPC added later on) are embodied.

3. Both the bail petitioners are stated to be suffering judicial incarceration since 07.10.2021. The incriminatory role, as becomes assigned to the present bail petitioners, is of theirs duping the aggrieved-complainant, and, also theirs respectively receiving money(ies) from him, comprised in a sum of

Rs.1.25 lacs each, on the pretext of theirs offering public employment to the

complainant. Though, the present bail petitioners are suffering judicial incarceration since 07.10.2021, and, when investigations into the FIR (supra), are complete, and, when very shortly an affirmative report under Section 173 Cr.P.C., is likely to be filed before the learned trial Magistrate concerned, besides when no evidence has been adduced by the prosecution, suggestive that in the event of the bail petitioners being admitted to regular bail, there is every likelihood of theirs fleeing from justice or tampering with prosecution evidence, or influencing prosecution witnesses, and, whereupon this Court may become constrain to admit to regular bail both the bail petitioners.

4. However, since after conclusion of trial, as may become entered, upon by the learned trial Magistrate concerned, in respect of FIR (supra), and, may be then also constrains the learned trial Magistrate concerned, to maybe make an order of conviction, upon the present bail petitioners, and, may be also lead him to, in the sentencing order as becomes drawn by him, rather make an injunction, upon the convicts concerned, to pay the provenly received by them from the aggrieved, rather of monetary sums concerned, as compensation to the aggrieved-complainant. Therefore, as a pre-condition for the present bail petitioners being enlarged, and/or, admitted to regular bail, and, also for securing the realizations of money, as may at the relevant phase become determined as compensation qua the complainant-victim, this Court, deems it fit, and, appropriate to direct each of the bail petitioners to deposit a sum of Rs.50,000/- each, in the establishment of the learned trial Magistrate concerned. The disbursement of the above deposited sum shall become regulated by the outcome of the trial, as may become entered upon by the learned trial Judge concerned.

5. Therefore, with the afore imposed condition, the instant petitions are allowed, and, the petitioners are ordered to be released from judicial custody. However, the granting of bail to the bail applicants-petitioners, in both the petitions, is subject to theirs furnishing personal, and, surety bonds in the sum of **₹ 50,000/-** each, before the learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned, and, also subject to theirs not tampering with prosecution evidence, and, theirs not influencing prosecution witnesses, and, besides also theirs appearing before the trial Court concerned, as and when directed to make their respective personal appearance unless validly exempted.

6. This order is only for the disposal of both the petitions, and, shall have no bearings on the merits of the case.

28.04.2022

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**(SURESHWAR THAKUR)
JUDGE**

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