

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

**CRM-M No. 22047 of 2022
Date of Decision: 25.05.2022**

Naresh @ Narender

..... Petitioner

Versus

The State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR

Present: Ms. M.N. Jajoria, Advocate,
for the petitioner.

Mr. Tanuj Sharma, Assistant Advocate General, Haryana

SURESHWAR THAKUR, J. (ORAL)

1. The petitioner, by filing the present petition under Section 439 Cr.P.C., seeks grant of regular bail in case FIR No. 196 of 19.03.2021, which was registered against him, at Police Station City Hansi, constituting therein offences under Sections 406, 420, 506 & 120-B of the IPC.

2. The bail applicant-petitioner is stated to be suffering judicial incarceration since 27.03.2022.

3. In the petition FIR, narrations occur qua on a false promise of providing employment to the victim, by the accused named therein, theirs duping him of a sum of Rs. 5 lakh. However, since a reading of the FIR reveals, that on 10.10.2019, co-accused, one, Ms. Annu, had issued a cheque bearing No. 145750 to IDBI Bank, Rohtak, carrying therein a sum of Rs. 5 lakh, as, refund of the afore sum taken by her, from the victim, on the pretext of her becoming selected against a public post / employment. Therefore, the very factum of co-accused, one Ms. Annu, issuing the above cheque equivalent to the sums of money qua which the victim became

duped on the above pretext. Thus, this Court becomes constrained to not as

a pre-condition for the present petitioner, becoming admitted to regular bail, to insist upon his making deposit of some reasonable percentum thereof, in the establishment of the learned trial Court concerned, for its working as victim compensation, upon, may be a verdict of conviction becoming pronounced by the learned trial Judge concerned, qua the petition FIR.

4. Consequently, bearing in mind the prolonged custody of the present petitioner, and, also when apart from his at the relevant time, hence accompanying the principal accused, rather his not receiving any sums of money from the victim-complainant, thereupon, it is not required to be prolonged any longer.

5. Be that as it may, and, also bearing in mind the fact, that the bail applicant is suffering judicial incarceration since 27.03.2022, besides when no evidence has been adduced by the prosecution, suggestive that in the event of the bail applicant being enlarged on regular bail, there is every likelihood of his fleeing from justice, and, or, tampering with prosecution evidence. Consequently, this Court does not deem it fit to order for any prolongation of the judicial incarceration of the petitioner, as, thereupon, his personal liberty would become unnecessarily curtailed, and, fettered. Contrarily, it is deemed appropriate to admit the bail petitioner to regular bail.

6. Consequently, the instant petition is allowed, and the bail applicant – petitioner is ordered to be released from judicial custody, on his 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 his not tampering with prosecution evidence, and/or not

influencing prosecution witnesses, and, also his appearing before the trial Court concerned as and when he is required to be making his personal appearance unless validly exempted.

May 25, 2022
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(SURESHWAR THAKUR)
JUDGE

<i>Whether Speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>