

IN THE HIGH COURT OF PUNJAB AND HARYANA AT

(209)

CRM-M-27511-2022

Date of decision: - 30.06.2022

Rahul Verma

....Petitioner

Versus

State of Haryana

.....Respondent

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Ms. Ishita Jain, Advocate, for the petitioner.

Mr. Tanuj Sharma, AAG, Haryana.

VIKAS BAHL, J. (ORAL)

This is a first petition under Section 439 Cr.P.C. for grant of regular bail in FIR No.124 dated 25.06.2021, registered under Sections 406, 420, 467, 468, 471 and 120-B IPC, at Police Station Radaur, District Yamuna Nagar.

Learned counsel for the petitioner has submitted that the petitioner has been in custody since 02.08.2021 and the challan in the present case has already been presented and the trial is likely to take time. It is further submitted that the present case is triable by the magistrate and there is no receipt with respect to the amount of Rs.4.20 lakhs, which the complainant had alleged that he had paid to the present petitioner. It is also submitted that although, in the FIR there is reference of an amount of Rs.2 lakhs having been paid in cash and Rs.2.20 lakhs having been paid online, but there is no document/material to substantiate the said payment other than the oral statement of the witnesses. It is further submitted that

there is nothing on record to show that even the alleged letter of appointment had been sent by the petitioner from the office of the Chief Post Master (General) Haryana Circle, Ambala.

Learned State counsel, on the other hand, has opposed the present petition for regular bail and has submitted that as per the allegations in the FIR, the petitioner had taken Rs.4.20 lakhs from the complainant on the pretext of providing him a job and neither he provided any job to the complainant, nor he returned the money. It is further submitted that the petitioner is involved in other cases of similar nature.

Learned counsel for the petitioner, in rebuttal, has submitted that the petitioner is on bail in the said other cases and has relied upon the judgment of Hon'ble Supreme Court in “**Maulana Mohd. Amir Rashadi Vs. State of U.P. and another**”, reported as 2012 (2) SCC 382 to contend that the facts and circumstances of the present case are to be seen while deciding a bail application and the bail application of the petitioner cannot be rejected solely on the ground that the petitioner is involved in other cases. The relevant portion of the said judgment is reproduced hereinbelow:-

“As observed by the High Court, merely on the basis of criminal antecedents, the claim of the second respondent cannot be rejected. In other words, it is the duty of the Court to find out the role of the accused in the case in which he has been charged and other circumstances such as possibility of fleeing away from the jurisdiction of the Court etc.”

This Court has heard learned counsel for the parties and has perused the paper book.

Petitioner has been in custody since 02.08.2021 and the challan has already been presented and there are 10 prosecution witnesses, none of whom have been examined and the trial is likely to take time. Moreover, the present case is triable by the magistrate. Further, it would be a matter of debate, as to whether Rs.4.20 lakhs had been paid by the complainant to the petitioner for getting a job, which would be finally adjudicated during the course of the trial.

Keeping in view the above-said facts and circumstances and also in view of the law laid down in **Maulana Mohd. Amir Rashadi's case (supra)**, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail / surety bonds to the satisfaction of the concerned trial Court/ Duty Magistrate and subject to him not being required in any other case.

However, it is made clear that in case, any act is done by the petitioner to threaten or influence the complainant or any of the witnesses, then it would be open to the State to move an application for cancellation of bail granted to the petitioner.

Nothing stated above shall be construed as a final expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail petition.

June 30, 2022
naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes
No