

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-28952-2022

Date of decision : 16.11.2022

Shailender Bhati

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR.JUSTICE VIKAS BAHL

Present: Mr.Rajender Kumar, Advocate
for the petitioner.

Mr.Praveen Bhadu, AAG, Haryana.

Mr.S.N.Pillania, Advocate
for the complainant.

VIKAS BAHL, J.(ORAL)

This is a petition under Section 439 Cr.P.C. for grant of regular bail to the petitioner in FIR no.219 dated 26.04.2022 registered under Sections 406, 420, 465, 120-B IPC (Sections 467, 468, 471 IPC added later on) at Police Station Thanesar City, District Kurukshetra.

Learned counsel for the petitioner has submitted that the petitioner has been in custody since 20.05.2022 and the investigation is complete and the challan has already been presented and there are 23 witnesses, out of which, none have been examined and thus, the trial is likely to take time. It is submitted that the petitioner is not named in the FIR and the present case has civil trappings and the entire case is based on documents and thus, no purpose would be served by keeping the petitioner in further incarceration. It is stated that in order to show his bonafide and

without admitting his liability, the petitioner is ready to pay Rs.50,000/- to the complainant within a period of two weeks from today.

Learned State counsel, on the other hand, has opposed the present petition for regular bail.

Learned counsel for the complainant has submitted that payment of Rs.50,000/- should not be construed as full and final payment of the claim of the complainant.

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

The petitioner has been in custody since 20.05.2022 and the investigation is complete and the challan has already been presented and there are 23 witnesses, out of which, none have been examined and thus, the trial is likely to take time. The petitioner is not named in the FIR and the present case has civil trappings and the entire case is based on documents and thus, no purpose would be served by keeping the petitioner in further incarceration.

Keeping in view the above said facts and circumstances, 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 and subject to the petitioner depositing Rs.50,000/- with the trial Court within a period of two weeks from today. The trial Court is directed to release the said amount in favour of the complainant.

The payment of said amount would not be construed as admission of guilt by the petitioner and full and final payment in respect of the transaction in question.

It is made clear that in case the said amount is not deposited within the aforesaid period, then it would be open to the State and the complainant 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.

(VIKAS BAHL)
JUDGE

November 16, 2022
Davinder Kumar

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