

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

230

**CRM-M-32299 of 2022
Date of Decision:01.08.2022**

Rahul Verma

---Petitioner

versus

State of Haryana

---Respondent

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present: Ms. Ishita Jain, Advocate for
Mr. Namit Khurana, Advocate
for the petitioner

Mr. Kanwar Sanjiv Kumar, AAG, Haryana

VINOD S. BHARDWAJ, J. (ORAL)

The instant petition has been filed under Section 439 of the Code of Criminal Procedure (hereinafter referred to as 'CrPC'), 1973 by the petitioner for seeking concession of regular bail in case bearing FIR No. 521 dated 03.07.2021 under Sections 406 and 420 of the Indian Penal Code (hereinafter referred to as 'IPC'), 1860 registered at Police Station City Karnal, District Karnal.

In brief, the present FIR was registered on the application dated 20.05.2021 of complainant Jyoti received from the office of Superintendent of Police, Karnal after enquiry by the Economic Offences Wing, Karnal alleging that in March 2020, the petitioner had taken a sum of Rs. 4,67,000/- from her on the assurance that he would secure a job for her in Punjab National Bank. Out of the said amount, a sum of Rs. 3,17,000/- was transferred through bank and Rs. 1,50,000/- were given in cash. The

petitioner had assured the complainant that he would secure job for her in 40 days and after 40 days when she contacted the petitioner, he started delaying on one pretext or the other. Upon repeated requests and demands, the petitioner gave them cheques amounting to Rs. 1,65,000/- and Rs. 1,50,000/-. However, upon presentation of the cheques, the same bounced. Again, he gave him cheques for an amount of Rs. 1,00,000/-, Rs. 30,000/- and Rs. 20,000/- but he had no amount in his bank account and he was giving cheques merely to mislead her. In this regard, the petitioner has also given his affidavit. A prayer was made to take necessary action against the petitioner. On the basis of said application, present FIR was registered under Sections 406 and 420 IPC.

Police commenced the investigation. Supplementary statement of complainant under Section 161 Cr.P.C. was recorded and the voice recording of phone conversation between the complainant and petitioner alongwith transcript of the conversation was taken into police possession. Petitioner, who was already in custody in case bearing FIR No. 102 dated 09.06.2021 under Sections 406, 420, 467, 468 and 471 IPC registered at Police Station Radaour, District Yamuna Nagar, was joined in investigation after securing his presence through production warrants and arrested on 21.10.2021. He suffered disclosure statement regarding his involvement in the present case. After completion of investigation, challan against the petitioner-accused has since been presented before the Court.

Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the instant case by levelling allegations in a dispute which pertains to repayment of the money. She submits that cheques towards discharge of the financial liability had been issued by the

petitioner. However, the same were dishonoured. She states that the remedy, if any, lay in the form of proceedings under Section 138 of the Negotiable Instruments Act, 1881 but instead of taking recourse to the appropriate remedy in accordance with law, the present FIR has been got registered. She further contends that the investigation in the case is already complete and that the petitioner is in custody since 21.10.2021 and has undergone actual custody of nearly 10 months. She contends that the Magisterial trial is likely to take long time before conclusion.

Learned State counsel, however, submits that there are five other cases that have been registered against the petitioner. He, however, could not controvert the fact that petitioner had already been granted bail in all the said FIRs. It is also not disputed that the investigation is already concluded and prosecution evidence has not been recorded so far.

I have heard learned counsel appearing on behalf of the respective parties and have gone through the record with their assistance.

Taking into consideration the circumstances noticed above, age of the petitioner, the period of actual custody as well as the fact that the petitioner has already been granted concession of bail in all other cases registered against him, the instant petition is allowed and the petitioner is ordered to be released on bail on his furnishing requisite bail bond/surety bond to the satisfaction of the Trial Court/Duty Magistrate, concerned.

It is made clear that the petitioner shall not extend any threat and shall not influence any prosecution witnesses in any manner directly or indirectly.

The observation made hereinabove shall not be construed as an expression on the merits of the case and the trial Court shall decide the case

on the basis of available material.

The petition is allowed.

(VINOD S. BHARDWAJ)
JUDGE

01.08.2022

PARAMJIT

Whether speaking/reasoned : Yes

Whether reportable : Yes/No