

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

209

**CRM-M-51545-2021
Date of decision: 17.05.2022**

RAKESH KUMARPetitioner

Versus

STATE OF HARYANARespondent

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR

Present : Mr. Rajinder Goyal, Advocate
for the petitioner.

Mr. Tanuj Sharma, AAG, Haryana

SURESHWAR THAKUR, J. (ORAL)

1. To the petition FIR, the petitioner craves for his being admitted to anticipatory bail, in respect of the FIR bearing No.373 of 05.08.2019, registered at Police Station City Tohana, District Fatehabad, embodying therein, offences constituted under Sections 420, 506, 120-B IPC.

3. The incriminatory role, as assigned to the present bail petitioner, is that he along with co-accused Jatinder Singh, Dev @ Sandeep, Raj Kumar and Ashu @ Dharamender, successfully ensuring theirs making a false promise(s) to deliver gold, to the aggrieved

complainant rather at a price cheaper than its market value, hence duping him for a sum of Rs. Six lakhs.

4. Though, the learned State Counsel submits, that the present bail petitioner, has rendered the fullest co-operation to the investigating officer concerned, qua the investigations, which are underway in the petition FIR (supra), but he submits that since, from amongst a sum of Rs. Six lakhs, as became delivered to the co-accused concerned, under the above false promise, thereupon, since two lakhs each from amongst the sum of Rs. Six lakhs, became shared amongst all the accused concerned.

5. Therefore, he insists that as a pre-condition, for this court proceeding to admit the present bail petitioner, to anticipatory bail, this Court ensuring his depositing at least One lakh, in the establishment of the learned trial Magistrate concerned, for its working, as victim compensation, on termination of the trial, as may become entered into by the learned trial Magistrate into the petition FIR, and/or its disbursement being regulated only on the outcome of the trial, as may become entered into by the learned trial Magistrate into the petition FIR.

6. The learned Counsel appearing for the petitioner, does not oppose, the afore made contention of the learned State Counsel.

7. Consequently, the instant petition is allowed, and, the order made by this Court on 10.12.2021, is made absolute on the same terms and conditions, and, with a further condition that the petitioner shall within fifteen days, deposit a sum of Rs. One lakh, in the establishment

of the learned trial Magistrate concerned. The disbursement of the afore deposit shall be subject to the outcome of the trial, as becomes entered upon by the learned trial Judge concerned.

8. The afore observations are meant only for the disposal of the present petition, and, shall not, in any way, influence the merits of the trial arising from the FIR (supra).

17.05.2022
kavneet singh

(SURESHWAR THAKUR)
JUDGE

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