

**207 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRM-M No.49117 of 2022 (O&M)
Date of decision : 31.10.2022**

Vinod

..... Petitioner

versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR.JUSTICE PANKAJ JAIN

Present :- Mr. Amit Sharma, Advocate
for the petitioner.

Mr. Sumit Jain, Addl.AG, Haryana.

PANKAJ JAIN, J. (ORAL)

This petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case F.I.R. No.256 dated 23.06.2022 registered under Sections 379-A, 406 and 420 IPC at Police Station Agroha, Hisar, Haryana.

As per the allegations levelled in the FIR, complainant claims that he was duped by the petitioner of an amount of Rs.1,00,000/- on the pretext of getting the same doubled.

Counsel for the petitioner submits that offences punishable under Sections 379-A and 420 IPC are mutually exclusive. Once the complainant claims of having been cheated, the petitioner cannot be booked for offence punishable under Section 379-A IPC. He further submits that the petitioner has been in custody since 24.06.2022. Challan already stands presented. Since the investigation stands concluded there cannot be any apprehension that the petitioner would tamper with the evidence.

Learned State counsel does not dispute the fact with respect to the custody of the petitioner. He has produced the custody certificate on record, as per which the petitioner has under gone custody of 4 months and 4 days.

Admittedly there is no other case pending against the petitioner and he is first time offender.

I have heard learned counsel for the parties and have gone through the records of the case.

Without commenting on the merits of the case and keeping in view the incarceration suffered by the petitioner and the fact that the investigation already stands concluded, the present petition is allowed. The petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the Ld. Trial Court/Duty Magistrate, concerned.

Needless to say that anything observed herein shall not be construed to be an opinion on the merits of the case.

(PANKAJ JAIN)
JUDGE

31.10.2022

Pooja sharma-I

Whether speaking/reasoned	Yes
Whether Reportable :	No