

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

**CRM-M-52538-2021 (O&M)
Date of Decision : 24.08.2022**

SURESH KUMAR

...Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM:- HON'BLE MR. JUSTICE SANJAY VASHISTH

Present:- Mr. Nonish Kumar, Advocate
for the petitioner.

Mr. Vikas Bhardwaj, AAG, Haryana.

SANJAY VASHISTH, J. (Oral)

Through this petition, petitioner seeks regular bail under Section 439 Cr. P. C. in case FIR No. 268 dated 18.05.2021 under Sections 406 and 420 IPC registered at Police Station Sector 32-33, Karnal, District Karnal.

As per the allegations in the FIR, three accused, namely, Suresh Kumar-petitioner, Rakesh Kumar and Parveen Kumar had allured the complainant Surjit to pay an amount of Rs. 12 lacs for getting government job. On the pretext of getting government job, complainant had paid an amount of Rs. 7,10,000/- to the accused persons.

Learned counsel for the petitioner submits that as per allegations against the petitioner the amount which was transferred in the account of the petitioner is Rs. 1,50,000/- which was followed by paying of Rs. 5,60,000/- in cash to all the accused. He contends that petitioner has falsely been implicated and has been indicted in the present case due

to some money dispute with the co-accused, namely, Rakesh. He submits that the petitioner is in custody since 21.08.2021. He further submits that other co-accused, namely Parveen Kumar, has already been granted concession of bail by learned ASJ, Karnal, vide order dated 04.10.2021 (Annexure P-2) and another co-accused namely, Rakesh, was earlier absconding and now has been arrested. It is also submitted that investigation in the matter is complete and the challan stands presented. Trial is likely to take some time to conclude, therefore, custody of the petitioner would no longer be required.

Per contra, learned State counsel would oppose grant of bail to the petitioner by contending that the complainant has been cheated upon by the accused persons and such kind of offences increasing in the society day by day. Therefore, granting bail to the petitioner may send wrong message to the society at large for encouraging them to commit such kind of crime. However, but he is not in a position to dispute the fact that the investigation stands completed and challan has been presented.

I have heard counsel for the parties and have also perused case file.

Keeping in view the facts that petitioner is in custody since 21.08.2021; that the matter has already been investigated and challan stands presented and the case is triable by the Court of learned Magistrate and the conclusion of the trial is likely to take time; no useful purpose would be served by keeping the petitioner behind bars for indefinite period.

Without commenting on the merits of the case, instant

petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of Area Magistrate/Duty Magistrate, concerned.

Anything observed hereinbefore shall not be construed as an observation on merits of the case.

Petition is allowed.

24.08.2022

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(SANJAY VASHISTH)
JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No