

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

CRM-M No. 52714 of 2021

Date of Decision: 23.03.2022

Manoj Kumar

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR

Present: Mr. Shubham Kaushik, Advocate,
for the petitioner.

Mr. Tanuj Sharma, Assistant Advocate General, Haryana

Mr. Nafeesh Ahmed, Advocate
for the complainant.

SURESHWAR THAKUR, J. (ORAL)

1. The petitioner, by filing the present petition under Section 439 Cr.P.C., seeks grant of regular bail in case FIR No. 165 of 31.03.2021, which was registered against him, at Police Station Azad Nagar, District Hisar, constituting therein offences under Sections 406 & 420 of the IPC (Sections 120-B, 201 of the IPC, and, Section 3 of HPIDEF Act, added later on).

2. The bail applicant-petitioner is stated to be suffering judicial incarceration since 11.06.2021.

3. The incriminatory role attributed to the bail petitioner in the FIR (supra), is of his alluring the complainant to make deposits, through his offering them exorbitant rate of interest thereons, yet his breaching his promise, and, rather taking to embezzle the sums of money, deposited with him, by the complainant.

4. Be that as it may, since the bail petitioner is suffering judicial custody since about nine months, and, also when it is stated at the Bar by the

learned State Counsel, on instructions, meted to him, by ASI Phul Kumar, that the entire investigations are complete, and, that very soon, an affirmative report under Section 173 of the Cr.P.C., is to be instituted, by the IO concerned, before the learned trial Court concerned. Moreover, when a sum of Rs. 1 lakh has already been recovered from the petitioner, by the IO concerned, and, thereafter, it has been deposited in the police station concerned. Consequently, this Court does not deem it fit to order for any prolongation of the judicial incarceration of the petitioner. Contrarily, it is deemed appropriate to admit to bail, the bail petitioner.

5. However, the learned State Counsel opposes the grant of bail to the bail applicant, on the ground that the bail applicant is an habitual offender, inasmuch, as he is involved in two other criminal cases.

6. The afore made submission is benumbed, upon this Court, making stringent conditions upon the bail applicant, inasmuch as his making an undertaking before the learned trial Court, that he shall not re-indulge in any criminal activity, of a nature alike to the present one, whereupon, on breach thereof, the benefit of regular bail, as granted to him shall become *ipso facto* annulled, leaving liberty to the Arresting Officer, to forthwith arrest him, and, to thereafter, produce the bail applicant before the learned Magistrate concerned, for appropriate directions, *vis-a-vis*, an order of judicial custody being made, upon him.

7. Consequently, with condition (*supra*), the instant petition is allowed, and the bail applicant – petitioner is ordered to be released from judicial custody, on his furnishing personal and surety bonds in the sum of ₹ 50,000/- each, before the learned trial Court/Chief Judicial

Magistrate/Duty Magistrate concerned, and, also subject to his not tampering with prosecution evidence, and/or not influencing prosecution witnesses, and, also his appearing before the trial Court concerned as and when he is required to be making his personal appearance unless validly exempted.

8. The afore order, is further subject to the petitioner's depositing a sum of Rs. 25,000/-, before the establishment of the learned trial Judge concerned. The disbursements of the sums of money, already deposited by the petitioner, before the IO concerned, and, also of the afore sums of money, to be deposited, in pursuance to the afore made order, shall be regulated by the outcome of the trial(s), as, become entered, upon, by the learned trial Judge concerned, qua the FIR (supra).

March 23, 2022
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(SURESHWAR THAKUR)
JUDGE

<i>Whether Speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>