

**CRM-M-50403-2022**

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

**CRM-M-50403-2022**

**Date of decision: 19.12.2022**

Vijender Kumar

...Petitioner

Versus

State of Union Territory, Chandigarh

.....Respondent

**CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL**

Present:- Mr. Prateek Gupta, Advocate,  
for the petitioner.

Mr. B.R.Rana, Advocate for  
Mr. J.S.Toor, APP, U.T. Chandigarh.

Mr. Keshav Pratap Singh, Advocate,  
for the complainant.

**HARNARESH SINGH GILL, J. (ORAL)**

Through this petition, the petitioner seeks regular bail in case bearing FIR No.229 dated 28.08.2019, registered at Police Station Sector 31, Chandigarh, under Section 420 IPC.

Short reply dated 07.12.2022, by way of affidavit of the Deputy Superintendent of Police (Crime), U.T. Chandigarh, filed in the Court today, is taken on record.

As per the case of the prosecution, the petitioner in connivance with the other co-accused demanded friendly help of Rs.10 lakh from the complainant, which had been given to him being an old friend. The petitioner had also allured the complainant on the pretext of making him a

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partner in the petrol pump situated at MDC, Panchkula, and for the said purpose, the complainant had paid Rs.2.5 crore to him in cash in the year 2007.

Learned counsel for the petitioner contends that the complainant and the petitioner are known to each other since 2003; that there is no document/proof qua the alleged transactions made by the complainant in favour of the petitioner, and that moreover, the alleged transactions were made in the year 2007, but the complaint qua the same was filed on 08.03.2017 before the Inspector General of Police, Chandigarh. Learned counsel further contends that the petitioner was taken into illegal custody and his signatures were obtained on some blank papers. Learned counsel further contends that civil litigation is pending between the parties. So far as other cases registered or pending against the petitioner, are concerned, he has been released on bail therein. Learned counsel further contends that the petitioner also filed a petition for quashing of FIR, got registered by the court, wherein notice of motion has been issued. Learned counsel further contends that no receipt of payment allegedly signed by the petitioner, has been attached with the challan presented before the trial Court.

On the other hand, learned counsel for U.T. Chandigarh, and the learned counsel for the complainant, while opposing the grant of bail to the petitioner, submit that the petitioner in connivance with the co-accused had cheated the complainant to the tune of Rs.3 crore approximately. It is further contended that the petitioner is a habitual offender and there are as many as six other cases registered or pending against him and that there is

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an apprehension that the petitioner may indulge himself in other cases and flee from justice or win over the witnesses, if he is released on bail.

I have heard the learned counsel for the parties.

The alleged transactions made by the complainant in favour of the petitioner pertain to 2007, but there is no document/proof qua the same. The civil litigation is pending between the parties. So far as other cases registered or pending against the petitioner, are concerned, he has been released on bail therein. The petitioner also filed a petition for quashing of FIR, got registered by the bank, wherein notice of motion has been issued.

The petitioner has been in custody since 20.09.2022. The prosecution witnesses are yet to be examined. Trial is unlikely to conclude any time soon. Therefore, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above, without commenting anything on the merits, lest it should prejudice the case of either side, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate. The petitioner shall also deposit his passport, if any, with the trial Court within a period of 10 days from the date of his release.

**19.12.2022**

parveen kumar

**(HARNARESH SINGH GILL)**  
**JUDGE**

Whether reasoned/speaking?  
Whether reportable?

Yes/No  
Yes/No