

CRM-M-29638-2023 (O &amp; M)

::1::

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****CRM-M-29638-2023 (O & M)****Date of decision: 12.06.2023**

Rohit

.... Petitioner

V/s

State of Haryana

...Respondent

**CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI**

Present: Mr. Kuldeep Singh Siwach, Advocate,  
for the petitioner.

Mr. Neeraj Poswal, AAG, Haryana.

Mr. Rakesh Gupta, Advocate,  
for the complainant.

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**JASJIT SINGH BEDI, J. (Oral)**

The prayer in the present petition under Section 439 Cr.P.C. is for the grant of regular bail to the petitioner in a case FIR No.1102 dated 06.12.2021 under Sections 379, 420 IPC and Section 120-B IPC (added later on) registered at Police Station Hisar Sadar, District Hisar.

2. The brief facts of the case are that on 06.12.2021, the complainant-Bashishat presented an application to the effect that on 04.12.2021 at about 6.00 p.m., he had visited an ATM to withdraw cash. However, the money could not be withdrawn. A young boy came there and he fraudulently changed the ATM card. Thereafter, the said boy left the spot. After sometime, he (complainant) received a message on his phone that an amount of Rs.23,848/- had been withdrawn from his bank account. Legal action was sought.

Pursuant to the registration of the FIR, on 27.10.2022, the petitioner-Rohit @ Amit was arrested and an offence under Section 120-B IPC was added. A sum of Rs.1500/- was recovered from him.

3. The learned counsel for the petitioner contends that the petitioner had been falsely implicated in the present case on the basis of a disclosure statement of his co-accused. As he was in custody since 27.10.2022, the report under Section 173(2) Cr.P.C. stands presented, he was entitled to the concession of bail as a compromise had been arrived at between the parties as is apparent from Annexure P-2.

4. The learned counsel for the State, on the other hand, contends that the petitioner was a habitual offender with 06 other cases registered against him. Therefore, he was not entitled to the concession of bail. He, however, concedes that a compromise had been arrived at between the parties as also the fact that the investigation stands completed.

5. The learned counsel for the complainant has also admitted the factum of a compromise being arrived at between the parties and states that the complainant has no objection if the petitioner is granted the concession of bail.

6. I have heard the learned counsel for the parties at length.

7. Admittedly, the petitioner is in custody since 27.10.2022 and the report under Section 173(2) Cr.P.C. stands filed. A number of witnesses are to be examined and therefore, the Trial of the present case is not likely to be concluded anytime soon. Even otherwise, a compromise has been effected between the parties and in this situation, the further incarceration of the petitioner is not required.

8. Thus, without commenting upon the merits of the case, the

CRM-M-29638-2023 (O &amp; M)

::3::

released on bail to the satisfaction of the Trial Court/Duty Magistrate concerned.

9. The petitioner shall appear on the first Monday of every month before the police station concerned till the conclusion of the trial and furnish an affidavit/undertaking each time that he is not involved in any case(s)/crime other than the cases mentioned in this order.

10. In addition, the petitioner (or someone on his behalf) shall prepare an FDR in the sum of Rs.1,00,000/- and deposit the same with the Trial Court. The same would be liable to be forfeited as per law in case of the absence of the petitioner from trial without sufficient cause.

**( JASJIT SINGH BEDI)**  
**JUDGE**

**June 12, 2023**  
sukhpreet

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No