

CRM-M-30046-2023

2023:PHHC:100205

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(226)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-30046-2023

Date of Decision: 03.08.2023

MANU KUMAR PANDEY

... Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Vaibhav Parashar, Advocate
for the petitioner.

Mr. Neeraj Poswal, Asst. A.G., Haryana.

JASJIT SINGH BEDI, J.

The prayer in the present petition under Section 439 Cr.P.C. is for the grant of regular bail in case bearing FIR No.501 dated 25.08.2022 registered under Sections 406/420 IPC at Police Station Palla, Faridabad.

2. The present FIR came to be registered at the instance of Ram Saran son of Horam Singh who stated that his son Rohan was looking for a job. Manu Kumar Pandey (petitioner) son of Ashok Kumar masqueraded as a Senior Officer in the CPWD, Department at Delhi. Manu Kumar Pandey assured him (complainant) that he would get a job for his (complainant's) son in the CPWD, Department. For the said purpose, he (complainant) gave Manu Kumar Pandey a sum of Rs.3,60,000/-. However, no job was provided to his son. Thereafter, Manu Kumar Pandey started asking for more money. On an inquiry he (complainant) came to know that Manu Kumar Pandey had been cheating him and lying that he was an officer. On being asked for his money, Manu Kumar Pandey handed him (complainant) a cheque for an

amount of Rs.3,80,000/- which was dishonoured. Thereafter, by way of an agreement, another cheque for an amount of Rs.1,80,000/- was handed over to him (complainant) with a promise to pay the balance of Rs.2 lakhs. However, the amount was not returned. Legal action was sought.

3. The learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. The financial transactions between the petitioner and the complainant were friendly and there was no promise to provide any job as has been alleged. Proceedings under Section 138 NI Act had already been initiated by the complainant. As the petitioner was in custody since 26.08.2022 and none of the 10 prosecution witnesses had been examined so far, he was entitled to the concession of bail.

4. On the other hand, the learned State counsel contends that the petitioner is the main accused who cheated the complainant of a sum of Rs.3,60,000/-. The serious nature of the allegations levelled against the petitioner did not entitle him to the grant of bail. He, however, concedes that the petitioner is in custody since 26.08.2022 and none of the 10 prosecution witnesses had been examined so far.

5. I have heard the learned counsel for the parties.

6. This Court in the case titled as ***Maninder Sharma Vs. State Tax Officer, State, Mobile Wing, Jalandhar, Punjab bearing CRM-M24033-2021(O&M) Decided on 31.08.2022*** has held as under:-

“Therefore, broadly speaking (subject to any statutory restrictions contained in Special Acts) , in economic offences involving the IPC or Special Acts or cases triable by Magistrates once the investigation is complete, final report/complaint filed and the triple test is satisfied then denial of bail must be the exception rather than the rule. However, this

would not prevent the Court from granting bail even prior to the completion of investigation if the facts so warrant. ”

7. In the instant case, admittedly, the petitioner is in custody since 26.08.2022 and none of the 10 prosecution witnesses have been examined so far. Therefore, the trial of the present case is not likely to be concluded anytime soon. There are no serious apprehensions expressed by the State that the petitioner would abscond from justice, tamper with the evidence or influence witnesses if granted the concession of bail. Therefore, in this situation, the further incarceration of the petitioner is not required.

8. Thus without commenting on the merits of the case, the present petition is allowed and the petitioner-Manu Kumar Pandey son of Ashok Kumar Pandey is ordered to be released on bail on his furnishing bail bonds and surety bonds to the satisfaction of learned CJM/Duty Magistrate, concerned.

9. The petitioner shall appear before the police station concerned on the first Monday of every month till the conclusion of the trial and inform in writing each time that he is not involved in any other crime other than the present case.

10. The petitioner (or anyone on his behalf) shall prepare an FDR in the sum of Rs.50,000/- 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

11. The petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

03.08.2023

JITESH

Whether speaking/reasoned:- Yes/No
Whether reportable:- Yes/No