

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

CRM-M-32608-2023

Date of decision : 18.08.2023

Ram Dass

....Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. Raghav Sharma, Advocate
for the petitioner.

Mr. A.K. Sehrawat, DAG, Haryana.

PANKAJ JAIN, J. (ORAL)

This petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case F.I.R. No.43, dated 2nd of February, 2023 registered for the offences punishable under Sections 406, 420, 506 IPC, 1860 (Annexure P-1) at Police Station Ladwa, District Kurukshetra.

2. Custody Certificate of the petitioner has been filed today in Court. The same is taken on record.

3. Mr. Sandeep Kumar Rana, Advocate appears and files his power of attorney on behalf of the complainant today in Court. The same is taken on record.

4. Counsel for the petitioner contends that the petitioner has been booked for offences punishable under Sections 406, 420, 506 IPC, 1860 in FIR dated 2nd of February, 2023 (Annexure P-1) wherein the complainant has alleged that he has been allured to part-way with the money out of

which Rs.6.00 lacs was transferred to the account of the petitioner. Prior thereto, the complainant himself preferred complaint under Section 138 of the Negotiable Instrument Act, 1881 against the petitioner *qua* the same amount of Rs.6.00 lacs which was transferred to the petitioner and form subject matter of FIR claiming that on account of cordial relations he extended friendly loan. Thus FIR is nothing but an abuse of process of law. The petitioner has already suffered incarceration for more than 4 months and 01 days.

5. Counsel representing the complainant however opposes the grant of bail to the petitioner and submits that infact the petitioner is a member of Syndicate who with an intent to dupe the innocent people show them dreams of doubling the amount of their money. However, counsel for the complainant is not in position to dispute the fact that in complaint filed under Section 138 of the N.I. Act the complainant himself alleged that the amount was extended as friendly loan and complainat under Section 138 of the N.I Act (Annexure P-2) is prior in time to the FIR registered against the petitioner.

6. I have heard counsel for the parties and have gone through records of the case.

7. Without commenting on the merits of the case, keeping in view the incarceration already suffered by the petitioner, the present petition is allowed. The petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the Trial Court/Duty

Magistrate concerned.

8. Needless to say that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

August 18, 2023		(Pankaj Jain)
Dpr		Judge
Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No