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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-35464-2023 (O&M)

Date of decision: July 28, 2023

Madan Pal

....Petitioner

versus

State of Haryana and another

....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA**Present:-** Mr. Abhishek Dhull, Advocate for petitioner.

Mr. Bijender Dhankar, Additional AG Haryana.

Mr. Harmandeep Singh, Advocate for respondent No.2

ARUN MONGA, J. (ORAL)

Petitioner seeks bail in a case bearing FIR No.303 dated 01.06.2023, registered under Sections 420, 467, 468, 471, 341, 120-B of the Indian Penal Code, 1860 (for short 'IPC'), at Police Station Pinjore, District Panchkula.

2. According to the prosecution, complainant-Jyoti alleged that the petitioner and other accused individuals conspired to deceive her and her friends by promising them jobs in various departments. As a result of this false pretext, the petitioner and his co-accused allegedly cheated them of a substantial amount of Rs. 32,50,000/-. An FIR was filed in connection with these accusations, leading to the petitioner's arrest on 01.06.2023. Since then, the petitioner has been in custody.

3. The petitioner's counsel argues that his client has been wrongly framed in this case. Furthermore, he asserts that the matter is of a private or civil nature, and the parties involved have reached a compromise through a deed dated 06.07.2023. As per the compromise, the complainant has already received a partial payment of Rs. 4,00,000/- at the time of execution of compromise deed, and the remaining amount will be paid within six months. The petitioner's counsel also contends that the complainant has no objection to the petitioner being granted bail, as specified in the compromise deed (Annexure P-2). Additionally, another co-accused, Kuldeep, who is in a similar situation as the petitioner, has been granted interim bail by a co-ordinate Bench of the Court on 19.06.2023 (Annexure P-4). The petitioner's counsel argues that there are no outstanding dues from the petitioner, and he is entitled to be released on bail.

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4. Contrarily, the learned State counsel, under instructions from SI Zile Singh, opposes the bail petition. He argues that the petitioner is accused of serious offense, and if released on bail, he might tamper with evidence or influence witnesses. Furthermore, he stresses that the investigation into the matter is still underway.

5. I have heard rival contentions of learned counsels for the parties and have gone through the case file.

6. Though investigation is at nascent stage, but compromise is stated to have been effected between the parties. Further, complainant/respondent No.2 has given her no objection in case bail is allowed to the petitioner. Said compromise (Annexure P-2) has been admitted by learned counsel for respondent No.2/complainant to be genuine.

7. Allegations against petitioner are a matter of trial at this stage. Conclusion of trial is still likely to take long time as it is proceeding at a snail pace. Bail allows an accused to maintain his freedom until his guilt or innocence is determined. Whereas, petitioner has already been languishing in jail for the past more than 1 month in preventive custody, being behind bars since 01.06.2023.

8. Petitioner is being kept in preventive custody merely on an unfounded suspicion that if he is let out, he may either tamper with evidence and/or influence witnesses. There is no probability of tampering with evidence as the same has already been seized by the investigating agency.

9. Be that as it may, offence allegedly committed by petitioner is of non-violent nature and in that sense his release on bail is not a threat to society at large by committing any violent crime.

10. It is stated that petitioner is a 42-year old married person having wife and two minor children to look after being sole-bread winner of the family. Being a family man having responsibilities, has clean antecedents and fixed abode, it is unlikely that he poses any flight risk and/or will flee from the trial proceedings.

11. Co-accused of the petitioner has already been granted concession of interim anticipatory bail by a co-ordinate Bench of this Court vide order dated 19.06.2023 (Annexure P-4).

12. Considering the overall scenario and without commenting on the merits of the case, the instant petition is allowed. I am of the view that no useful purpose would be served to keep the petitioner in further preventive custody.

13. Accordingly, petitioner is ordered to be released on bail, in case not required in any other case, on his furnishing bail bonds and surety bonds to the satisfaction of learned trial Court,

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where his case is being tried and in case he/she is not available, before learned Duty Judge, as the case may be.

- 14. In case, petitioner is found to be involved or gets involved in any offence while on bail, the prosecution shall be at liberty to seek cancellation of his bail in the instant case.
- 15. Any observations made and/or submissions noted hereinabove shall not have any effect on merits of the case as the same are for limited purpose of bail hearing alone and learned trial Court shall proceed without being influenced with this order.
- 16. Pending application(s), if any, shall also stand disposed of.

(ARUN MONGA)
JUDGE

July 28, 2023
mahavir
Whether speaking/reasoned: Yes/No
Whether reportable: Yes/No