

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-36745-2023 (O&M)
Date of Decision:01.08.2023

Jitender Singh Bohra
Vs.
State of Haryana and another
..... Petitioner
..... Respondents

CORAM: HON'BLE MR JUSTICE DEEPAK GUPTA

Present: - Mr. Sunil Chaudhary, Advocate, for the petitioner.

DEEPAK GUPTA, J.
CRM-31170-2023

This application is filed under Rule 3-A(1) Chapter VI Part B,
Vol. V of the High Court Rules and orders for grant of leave to file the
present petition.
Application is allowed as prayed for.

CRM-M-36745-2023

- 1 Respondent No.2 Amit Homi Cawasji has been allowed regular bail by the Court of Additional Sessions Judge, Bhiwani vide order dated 04.07.2023 in a case arising out of FIR No.25 dated 24.01.2023 registered at Police Station Civil Lines, Bhiwani under Sections 120B, 467, 420, 468 and 471 IPC.
- 2 Present petitioner is the complainant of the FIR and he has sought for cancellation of bail granted to respondent No.2. It is contended by ld. counsel that while granting bail to respondent No.2, ld. Court did not take into account the fact that no recovery was effected out of duped

amount from respondent No.2; that respondent No.2 is having criminal antecedents being involved in other criminal cases; that an amount of ₹5.5 lakh had been paid from the account of company of the petitioner to the account of respondent No.2, but not even a single penny has been recovered.

3 A perusal of the impugned order reveals that ld. ASJ, Bhiwani allowed the bail to respondent No.2 herein after observing that he was in custody since 29.01.2023. He had also taken into account the orders passed on the previous petitions, which had been dismissed as withdrawn. It was also noted that case was triable by judicial Magistrate and the trial was likely to take long time. Not only this, sufficient conditions have been imposed upon respondent No.2 so as to comply the direction of the bail.

4 In view of the reasons given in the order dated 04.07.2023 of Ld. ASJ, this Court finds no ground so as to cancel the bail granted to respondent No.2 by the Court of Additional Sessions Judge, Bhiwani vide order dated 04.07.2023. The criminal proceedings cannot be used to effect the recovery. The criminal antecedents cannot be used to decline bail as the Court is required to see the role of the accused in the case in which he is seeking bail.

Dismissed.

(DEEPAK GUPTA)
JUDGE

01.08.2023

Vivek

- 1. Whether speaking/reasoned?
- 2. Whether reportable?

Yes/No
Yes/No