

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-43821-2022 (O&M)

Date of Decision: 10.1.2023

Vivek Sharma alias Vicky

....Petitioner

VERSUS

State of Haryana

....Respondent

CORAM:- HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Ms. Malkeet Kaur, Advocate and
Ms. Shivya Sehgal, Advocate,
for the petitioner.

Mr. Parveen Kumar Aggarwal, DAG, Haryana.

Mr. Rakesh Gupta, Advocate,
for the complainant.

KARAMJIT SINGH, J. (Oral)

Prayer in the present petition under Section 439 of Code of Criminal Procedure is for grant of regular bail to the petitioner in case FIR No.243 dated 18.5.2022 registered for the offences punishable under Sections 406, 420, 467, 468, 471, 120-B IPC and Section 24 of Immigration Act (Section 12D of Passport Act added later on) at Police Station Ambala City, District Ambala.

Counsel for the petitioner *inter alia* contends that the petitioner has been falsely implicated in this case and is in custody for the last more than 7 months and now compromise has been effected between the parties and on the same very ground, similarly situated co-accused Mandeep and Rohit Sharma have been given benefit of regular bail by this Court vide orders dated 21.12.2022 and 23.12.2022 passed in CRM-M-40280-2022 and

CRM-M-44685-2022 respectively.

Counsel appearing on behalf of the complainant has admitted the fact that now dispute has been settled between the parties and he further pleaded no objection if the present is allowed.

State counsel on instructions from ASI Roshan Lal submits that the petitioner and other accused persons took amount of ₹ 2,25,000/- from the complainant and his brother for providing them Visa to go to Singapore but thereafter, they failed to do so and also refused to return the aforesaid amount. State counsel further submits that after completion of investigation, challan has been presented and now the case is fixed for prosecution evidence and already, 2 prosecution witnesses are examined. He further submits that it appears that now the matter has been compromised between the parties and he has not disputed the fact regarding grant of bail to co-accused Mandeep and Rohit Sharma by this Court.

I have considered the submissions made by the counsel for the parties.

Admittedly, the petitioner is in custody since 22.5.2022 and after completion of investigation, the police has presented the challan and the trial has commenced and all the offences are triable by the Court of Judicial Magistrate, 1st Class. As has been admitted by the counsel for the complainant, it appears that now the parties have effected compromise and settled their dispute amicably. Thus, no useful purpose is going to be served by keeping the petitioner in custody for any further period.

In view of the above, without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the

satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

(KARAMJIT SINGH)
JUDGE

January 10, 2023
Paritosh Kumar

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No