

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-2739-2024
Date of Decision:24.01.2024

Sumantra Gupta ...Petitioner

vs.

State of Haryana ...Respondent

Coram : Hon’ble Mr. Justice N.S.Shekhawat

Present : Mr. Vinod Ghai, Sr. Advocate with
Mr. Arnav Ghai, Advocate and
Mr. Dhruv Trehan, Advocate
for the petitioner.

Ms. Sheenu Sura, Deputy Advocate General, Haryana.

Mr.Rakesh Sobti, Advocate
for the complainant.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the present petition under Section 439 Cr.PC with a prayer to grant regular bail to him in case FIR No. 04 dated 02.01.2018, registered under Sections 419,420,406,467,468,471,120-B,506 of IPC and under Section 73 of the IT Act, Police Station Camp Palwal, District Palwal.
2. Learned counsel for the petitioner contends that the allegations in the present case pertained to the year 2016 and the FIR was got registered by the complainant after a delay of two years. Learned counsel further contends that the petitioner has already transferred a sum of Rs.10,50,000/- in the account of the complainant through RTGS and for rest of the amount, two post dated cheques worth Rs.5,25,000/- each have been issued in the name of the complainant. Learned counsel further submits that one cheque of Rs.5.25 lacs

dated 17.01.2024 has been dishonoured and the petitioner shall make the payment of Rs.5.25 lacs before furnishing the bail bonds and the second cheque of Rs.5.25 lacs dated 17.02.2024 shall be honoured on the date mentioned on the cheque itself. Learned counsel further contends that the petitioner was arrested in the present case on 19.09.2023 and the final report under Section 173 Cr.P.C has been presented before the competent Court.

3. On the other hand, learned State counsel assisted by learned counsel for the complainant has vehemently opposed the prayer made by learned counsel for the petitioner on the ground that the petitioner is the main accused and three other FIRs of similar nature have been registered against him. Learned counsel further contends that in case, the petitioner is granted the concession of bail, he may abscond from the process of law.

4. I have heard the learned counsel for the parties and perused the record carefully.

5. It is not in dispute that the total disputed amount in the present case is Rs.20,90,000/- and an amount of Rs.10,50,000/- has already been transferred by the petitioner in the account of present complainant. Even the petitioner has agreed to pay a sum of Rs.5.25 lacs to the complainant before furnishing the bail bonds, before the Court of CJM/Duty Magistrate concerned. Apart from that, the petitioner has also undertaken to pay a sum of Rs.5.25 lacs by 17.02.2024, in lieu of cheque.

6. 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 their furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate, concerned.

7. It is made clear that the petitioner shall make the payment of Rs.5.25 lacs before furnishing the bail bonds and it shall be a condition precedent for releasing the petitioner on bail.

24.01.2024
hitesh

(N.S.SHEKHAWAT)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No