

CRM-M-24660-2024

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-24660-2024
Reserved on: 12.08.2024
Pronounced on: 30.08.2024

Rajesh Kumar ...Petitioner

Versus

State of Haryana and another ...Respondents

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Kulwant Singh Dhanora, Advocate
for the petitioner.

Mr. Rajat Gautam, Addl. AG, Haryana.

Ms. Harita Pandhey, Legal aid counsel
for respondent No.2.

ANOOP CHITKARA, J.

Complaint No.	Dated	District	Sections
66	28.04.2017/09.05.2017	Karnal	420, 467, 468, 471, 120-B & 506 IPC

1. The petitioner apprehending arrest in the complaint captioned above has come up before this Court under Section 438 CrPC, 1973, seeking anticipatory bail.
2. In paragraph 10 of the bail petition, the accused declares that he has no criminal antecedents.
3. Facts of the case are being taken from reply dated 11.07.2024, which reads as follows:-

“That the brief facts of the complaint are as under:-

"Sandeep Kumar Respondent No.2 filed complaint against Rajesh Kumar (the present petitioner) Chander Mohan and Rajesh Gupta under sections 420, 467, 468, 471, 506 and 120B IPC and in the said complaint the court of Sh. Harsh Sharma Ld. Judicial Magistrate 1st Class, Indri vide his order dated 07.08.2023 passed the following order which is as under:-

"From the facts and circumstances discussed above coupled with dictum laid down by the Hon'ble Supreme Court, this court of the view that there are sufficient evidence to proceed against accused No. 1 to 3 under sections 420, 467, 468, 471 and 120B IPC. However, no offence under section 506 of IPC is not made out at this stage. Hence, all the accused

are hereby summoned for commission of offences under sections 420, 467, 468, 471 and 120B IPC. Let, notice to all accused persons be issued for 18.08.2023 on filing of copy of complaint etc. Dasti Notice be issued if so desire.”

4. The petitioner's counsel refers to para 13 of the bail petition which reads as follows:

“That the present case is of civil nature and ASI Prem Singh investigated on the application of complaint but no cognizable offence is made out.”

5. The petitioner's counsel prays for bail by imposing any stringent conditions and contends that further pre-trial incarceration would cause an irreversible injustice to the petitioner and their family.

6. The State opposes bail.

7. The complainant's counsel also opposes the bail and argued that the petitioner told the complainant’s brother Satbir Singh not waste money on registry of the said plots and asked him to pay another Rs. 3 lacs so that he can sell the said plots in five to six months. He further submits that the petitioner took Rs.3 lacs in cash from Satbir Singh.

8. Given the above, the penal provisions invoked coupled with the prima facie analysis of the nature of allegations and the other factors peculiar to this case, there would be no justifiability for custodial interrogation or the pre-trial incarceration at this stage. Without commenting on the case's merits, in the facts and circumstances peculiar to this case, and for the reasons mentioned above, the petitioner makes a case for bail. This order shall come into force from the time it is uploaded on this Court's official webpage.

9. Given above, provided the petitioner is not required in any other case, the petitioner shall be released on anticipatory bail in the complaint captioned above subject to furnishing bonds to the satisfaction of the concerned Court and due to unavailability before any nearest Ilaqa Magistrate/duty Magistrate. Before accepting the surety, the concerned Officer/Court must be satisfied that if the accused fails to appear, such surety can produce the accused.

10. While furnishing a personal bond, the petitioner shall mention the following personal identification details:

1.	AADHAR number	
2.	Passport number (If available) and when the attesting officer/court considers it appropriate or considers the accused a flight risk.	
3.	Mobile number (If available)	
4.	E-Mail id (If available)	

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11. This order is subject to the petitioner's complying with the following terms. The petitioner shall abide by all statutory bond conditions and appear before the concerned Court(s) on all dates. The petitioner shall not tamper with the evidence, influence, browbeat, pressurize, induce, threaten, or promise, directly or indirectly, any witnesses, Police officials, or any other person acquainted with the facts and circumstances of the case or dissuade them from disclosing such facts to the Police or the Court.

12. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.

13. A certified copy of this order would not be needed for furnishing bonds, and any Advocate for the Petitioner can download this order along with case status from the official web page of this Court and attest it to be a true copy. If the attesting officer wants to verify its authenticity, such an officer can also verify its authenticity and may download and use the downloaded copy for attesting bonds.

14. **Petition allowed** in terms mentioned above. All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

30.08.2024
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Whether speaking/reasoned: Yes
Whether reportable: No.