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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-29645-2024
Date of decision:-03.10.2024

JITENDER

... Petitioner

Versus

STATE OF HARYANA

... Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY.

Present:- Mr. J.S. Ghumman, Advocate for the petitioner.

Mr. Ramender Singh Chauhan, AAG, Haryana.

Mr. Sarfaraj Hussain, Advocate for the complainant.

SANJIV BERRY, J.(ORAL)

Learned State counsel has filed custody certificate dated 01.10.2024, the same is taken on record, copy thereof, has been supplied to the counsel opposite.

2. The instant petition has been preferred by the petitioner under Section 439 of the Criminal Procedure Code for grant of regular bail in the following case (Annexure P-1):-

FIR No.	Dated	Sections	Police Station
82	11.02.2024	406, 420, 506, 467, 468, 471 IPC	Gurgaon Sadar, District Gurugram

3. Arguments heard.

4. It is *inter alia* contended by learned counsel for the petitioner



that the petitioner is innocent and has been falsely implicated in this case. He contends that the dispute of civil nature has been converted into a criminal case by the police and the petitioner is in custody since 27.04.2024, challan has already been presented in court and conclusion of trial will take sufficient long time. He further contends that even the petitioner is ready to deposit 50% of the disputed amount i.e. ₹11,50,000/- before the learned trial Court subject to final outcome of the case. Hence, prayed for grant of bail to the petitioner.

5. *Per contra*, learned State counsel referring to the reply submitted by the State has contended that the petitioner has taken loan of ₹11,50,000/- from the complainant but had not returned the same and when he requested to return, he threatened him of dire consequences. He further contends that the petitioner had also misused the cheque of his tenant Parveen and thus committed forgery, as such he is not entitled for concession of bail.

6. After considering the rival contentions and perusing the record, it transpires that the instant FIR was registered on the complaint moved by one Ravinder that the petitioner had taken ₹11,50,000/- loan for raising construction but on being requested to return the same the petitioner had threatened him of dire consequences. It is further alleged that the petitioner had misused cheque belonging to one Parveen by fabricating the same. After completion of investigation, challan has already been presented in Court, the conclusion of trial in the present case triable by the Court of Magistrate will take sufficient long time to ascertain criminal liability, if any, of the petitioner. Although there is one more criminal case registered against the

petitioner but he is on bail therein.

7. In these circumstances without commenting on the merits of the case, it is observed that no purpose would be served by keeping petitioner behind bars. Therefore, the present petition is allowed. The petitioner is ordered to be released on bail, subject to, deposit of 50% of amount in question, in the trial Court, in the form of FDR which shall be subject to the outcome of the case; furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court concerned, if not required in any other case; undertaking to regularly appear on each and every date; not to leave the country without prior permission of the Court; and not to tamper with evidence of prosecution in any manner.

8. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

(SANJIV BERRY)
JUDGE

03.10.2024
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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |