



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

211

CRM-M-42486-2024 (O&M)
Date of decision: 16.12.2024

Rakesh KumarPetitioner

Versus

State of HaryanaRespondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present : Mr. B. S. Sudan, Advocate, for the petitioner.

Mr. Naveen S. Panwar, DAG, Haryana.

Mr. Sunny Tyagi, Advocate, for the complainant.

MAHABIR SINGH SINDHU, J. (ORAL)

Present petition has been filed, under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, for seeking bail pending trial in FIR No. 229 dated 11.08.2020, under Sections 406, 420 of Indian Penal Code, 1860 (for short 'IPC'), (Section 24 of the Emigration Act, 1983 added later on) registered at Police Station Butana, District Karnal.

2. Allegations are that petitioner duped the complainant by inducing him to deliver an amount of Rs.11.5 lakh on the pretext of sending him to Canada on study visa.

3. Contends that the matter has been amicably settled between the parties i.e. petitioner as well as *de facto* complainant. Further contends that initially petitioner was arrested in the present case on 13.04.2021 and was released on interim bail during the pandemic period; he eventually surrendered before learned trial Court on

29.07.2024 and after remaining in custody for about 3 months, he was granted interim bail on 25.10.2024. Also contends that in pursuance of order dated 25.10.2024, he is regularly appearing before learned trial Court and there has been no progress of trial. Again contends that there is no allegation that petitioner is likely to misuse the concession or hamper the proceedings in any manner.

4. *Per contra*, learned State Counsel, on instructions from quarter concerned, has fairly conceded the above factual position and submits that petitioner is regularly appearing before learned trial Court. He also acknowledged that petitioner has not misused the concession of interim bail granted by this Court on 25.10.2024.

5. Learned counsel for the complainant also admits the factum of compromise and submits that he has no objection in case the petition for grant of regular bail is allowed.

6. Heard learned counsel for both the sides and perused the paper book.

7. This Court granted interim bail to the petitioner on 25.10.2024 in the following manner:-

“Learned counsel for the petitioner as well as complainant jointly stated that matter has been compromised between the parties, i.e. accused as well as the de facto complainant.

Learned State counsel seeks time to verify the above factual position.

Posted for 16.12.2024.

In the meanwhile, petitioner be released on interim bail in the present case till the next date of hearing on furnishing adequate bail and surety bonds subject to the satisfaction of learned trial Court/CJM/Duty Magistrate concerned.”

8. Learned State counsel has duly acknowledged that petitioner is regularly appearing before learned trial Court and there is

no allegation that in case, interim bail is made absolute, he is likely to misuse the concession or hamper the proceedings in any manner. There has been no progress of trial after grant of interim bail to petitioner. In such a scenario, sending the petitioner to custody at this stage would not serve any purpose.

9. Consequently, present petition is allowed. Interim bail granted to the petitioner, vide order dated 25.10.2024, is made absolute. He shall be admitted to bail on furnishing bail/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

10. Petitioner shall appear on each & every date of hearing and to fully co-operate with learned trial Court without seeking any unnecessary adjournment(s).

11. The above observations be not construed as an expression of opinion on the merits of the case.

12. It is clarified that in case there is any misuse of concession by the petitioner, State would be at liberty to move an appropriate application for recalling of this order.

Pending application(s), if any, shall also stand disposed off.

16.12.2024
anil

(MAHABIR SINGH SINDHU)
JUDGE

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