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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-44587-2024
Date of decision:-18.12.2024

MOTI LAL
Versus
STATE OF HARYANA
... Petitioner
... Respondent

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

Present:- Mr. Saurabh Sharma, Advocate, for the petitioner.
Mr. Surender Singh, AAG, Haryana.

SANJIV BERRY, J.(ORAL)

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
02	03.01.2024	420, 406, 370 IPC	Barara, District Ambala

2. Arguments heard.
3. 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 complainant had paid the amount for sending his son to Cambodia, which the petitioner did. The son of complainant remained in Cambodia for one year and returned back and, on the same fees complainant demanded his son to be sent to Canada, which the petitioner had refused, as a result a false case has been planted on the petitioner. Consequently, the

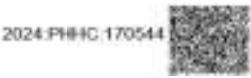


petitioner was arrested on 13.03.2024, after completion of investigation, challan has already been presented in Court and it will take sufficient long time to conclude. Hence he prays for grant of regular bail to the petitioner.

4. *On the other hand*, learned State counsel has opposed the bail petition by arguing that petitioner has been specifically named in the FIR and allegations of alleged cheating has been levelled against the petitioner,. He submits that five other cases of similar nature are registered against the petitioner, as such he is not entitled for concession of bail. However, he has admitted that after completion of investigation, challan has already been presented in Court.

5. After considering the rival contentions and perusing the record, it is not disputed that the son of complainant was sent to Cambodia where he remained for about one year. It is the case put forth by the petitioner that the amount was paid to him for sending his son to Cambodia which he did. Son of complainant had worked in Cambodia for one year and then returned back. It is the case of the complainant that the complainant wanted his son to be sent to Canada on the same fees which the petitioner had refused, leading to registration of instant FIR. After arrest of the petitioner on 13.03.2024, investigation has been completed and challan has already been presented in Court, and conclusion of trial will take sufficient long time to ascertain criminal liability, if any of the petitioner. As regard the pendency of similar cases against the petitioner, it is clarified by learned counsel for the petitioner that the petitioner is on bail in other cases.

6. 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 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.

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

(SANJIV BERRY)
JUDGE

18.12.2024
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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |