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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-63450-2023

Date of Decision: 23.01.2024

Upender Kumar alias Manish

...Petitioner

vs.

State of Haryana

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat**Present :** Mr. Rahul Sidher, Advocate and
Mr. Sanchit Punia, Advocate
for the petitioner.

Ms. Sheenu Sura, DAG, Haryana.

Mr. P.K.Chugh, Advocate
for the complainant.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the instant petition under Section 439 of the Cr.P.C. with a prayer to grant regular bail in case FIR No.164 dated 29.03.2021 registered under Sections 120-B, 406, 420 of IPC at Police Station HTM Hisar, District Hisar.

2. The FIR in the present case was got registered on the basis of the statement made by Om Parkash. As per the complainant, the petitioner and his co-accused have allegedly cheated the complainant to the tune of Rs.34 lakhs.

3. Learned counsel for the petitioner contends that there were financial transactions between the petitioner and the complainant and the petitioner has been falsely involved in the present case. He further contends that with regard to the cheque issued by the petitioner and his co-accused, the

complainant has already filed two complaints under Section 138 of the Negotiable Instruments Act. Learned counsel further contends that the petitioner was arrested in the present case on 09.08.2023 and the challan has already been presented against him.

4. On the other hand, learned State counsel as well as learned counsel for the complainant have vehemently opposed the submissions made by learned counsel for the petitioner on the ground that the petitioner is the main accused and has not returned the money to the complainant in the present case.

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

6. In the present case, the petitioner is facing prosecution under Sections 406, 420 of IPC and all the offences are triable by the Court of Magistrate. The petitioner was arrested on 09.08.2023 and is in custody for the last more than 5 months. Apart from that, the petitioner has no criminal antecedents and was never involved in any other case.

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

23.01.2024
hemlata

(N.S.SHEKHAWAT)
JUDGE

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