

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-50871-2024
Reserved on: 15.01.2025
Pronounced on: 28.01.2025

Deepak Soni ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. L.K. Gollen, Advocate,
for the petitioner.

Ms. Harpreet Kaur, AAG, Haryana.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
194	06.05.2024	Model Town, Distt. Rewari	406, 420 IPC

1. The petitioner apprehending arrest in the FIR captioned above has come up before this Court under Section 438 CrPC, seeking anticipatory bail.

2. In paragraph 11 of the bail petition and as per para 11 of the status report, the accused has the following criminal antecedents:

Sr. No.	FIR No.	Dated	Offenses	Police Station
1.	172	01.07.2024	363, 366, 376, 342, 506, 120-B IPC	City Rewari
2.	23	20.02.2014	379, 336, 232 IPC	GRP, Rewari
3.	309	10.05.2022	188 IPC and Sections 13, 3, 67 G Act	Model Town

3. The facts and allegations are being taken from the reply filed by the State, which reads as follows:

“4. That the facts forming genesis of the present case are that the law was set in motion on the basis of written complaint moved by complainant namely Sri Nath Verma son of Dr. D.P. Verma, resident of Sri Nath Jewelers, Model Town, Rewari wherein he has contended that Kavita (petitioner) had purchased jewellery from them amounting to Rs.10,94,415/-. She (Kavita) had disclosed them that she is resident of Flat No.103G, Manchanda and also Village Motla Kalan. At the time of purchase, she paid Rs.2,00,000/- in cash and for remaining payment, she

asserted to make the payment through RTGS or cheque. When the complainant presented the said cheque in bank, then the same got dishonored. Kavita did not make any payment through RTGS. When the complainant used to demand his money, then Kavita used to threaten to kill them and use to send goons to their shop. When the complainant party visited her flat, then the guard stopped them from entering inside. She is threatening the complainant party on the name of police, advocates and goons and also used to threaten them to implicate them under some serious allegations. She purchased the jewellery on 01.11.2023. So, complainant has requested to take legal action in the matter. Upon this complaint, present FIR has been registered against the petitioner.”

4. 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.

5. The State's counsel opposes bail and refers to the reply.

6. It would be appropriate to refer to the following portions of the reply, which read as follows:

“9. That on dated 01-01-2025 a notice was given to the petitioner for joined the investigation in the present case on 03-01-2025 and as per the direction by this Hon'ble Court, on dated 03-01-2025 petitioner has joined the investigation in the present case and also admitted his involvement in the present crime and he stated that co-accused Kavita gave me articles and I was sale all the articles to unknown person and amount was received from the unknown person, I was spent on my house hold needed and other way therefore, section 201 of IPC was added in the present case.

10. That the petitioner is prime accused in the present case who cheated the complainant with the conspiracy of co-accused Kavita and the petitioner sale the cheated articles to unknown person and even the petitioner was not recovered the amount.”

7. Although, the petitioner has criminal history but given the quality of evidence collected against him and coupled with the nature of allegations, criminal history would not taken a reason to deny the bail.

8. Pre-trial incarceration should not be a replica of post-conviction sentencing. The evidence might be prima facie sufficient to launch prosecution or to frame charges, but this Court is not considering the evidence at that stage but is analyzing it for the stage of anticipatory bail. An analysis of the above does not justify custodial interrogation or pre-trial incarceration.

9. 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.

10. The petitioner's bail shall not be treated as a precedent for granting bail to the other co-accused with a higher role.

11. Given above, provided the petitioner is not required in any other case, the petitioner shall be released on anticipatory bail in the FIR captioned above subject to furnishing bonds to the satisfaction of the Arresting Officer, and if the matter is before a Court, then the concerned Court and due to unavailability before any nearest Ilqa 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.

12. 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)	

13. This order is subject to the petitioner's complying with the following terms.

14. The petitioner is directed to join the investigation within seven days of uploading this order on the official webpage of the High Court of Punjab and Haryana and as and when called by the Investigator. The petitioner shall be in deemed custody for Section 27 of the Indian Evidence Act, 1872/ Section 23 of BSA, 2023. The petitioner shall join the investigation as and when called by the Investigating Officer or any Superior Officer and shall cooperate with the investigation at all further stages as required. In the event

of failure to do so, the prosecution will be open to seeking cancellation of the bail. During the investigation, the petitioner shall not be subjected to third-degree, indecent language, inhuman treatment, etc.

15. 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.

16. In case the Investigator/Officer-In-Charge of the concerned Police Station arraigns another section of any penal offense in this FIR, and if the new section prescribes a maximum sentence that is not greater than the sections mentioned above, then this bail order shall be deemed to have also been passed for the newly added section(s). However, suppose the newly inserted sections prescribe a sentence exceeding the maximum sentence prescribed in the sections mentioned above; then, in that case, the Investigator/Officer-In-Charge shall give the petitioner notice of a minimum of seven days, providing an opportunity to avail the remedies available in law.

17. **This bail is conditional, and the foundational condition is that if the petitioner indulges in any non-bailable offense, the State shall file an application for cancellation of this bail before the Sessions Court, which shall be at liberty to cancel this bail.**

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

19. 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.

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

(ANOOP CHITKARA)
JUDGE

28.01.2025
Jyoti-II

Whether speaking/reasoned: Yes
Whether reportable: No.