

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Date of decision:- May 05, 2015

1. CRM No.M-887 of 2015

Jaideep Chander @ Bittu Nischal

.....Petitioner...

Vs.

State of Punjab

....Respondent...

2. CRM No.M-13512 of 2015

Rohit Kumar

....Petitioner...

VS.

State of Punjab

....Respondent...

CORAM:- HON'BLE MR. JUSTICE JASPAL SINGH

Present:- Mr. Rishu Mahajan, Advocate,
for the petitioner (in CRM-M-887-2015).

Mr. Ashish Aggarwal, Advocate,
for the petitioner (in CRM-M-13512-2015).

Mr. J.S. Sekhon, AAG, Punjab.

Ms. G.K. Mann, Advocate,
for the complainant.

JASPAL SINGH, J.

By this common order, this Court intends to dispose of
two criminal petitions bearing CRM-M No.887 of 2015, captioned as

“Jaideep Chander @ Bittu Nischal v. State of Punjab” and

CRM-M No. 13512 of 2015, captioned as ***“Rohit Kumar v. State of Punjab”***.

2. Both these petitions are outcome of the same FIR No. 218, dated 21.11.2014, under Sections 420 and 406 IPC, registered at Police Station E Division, Amritsar.

3. Briefly stated, case of prosecution is that on April 10, 2014 Jaideep Chander @ Bittu Nischal through Rohit Kumar and his nephew Vishu got gold chains weighing 138 gms. and 170 mili grams from the shop of complainant-Kulwant Singh on the pretext to show the same to the customers but thereafter, neither gold chains were returned nor an amount of ₹3,86,333 was paid to complainant. In the said way, petitioner(s) along with their co-accused Vishu have duped complainant. Petitioner-Jaideep Chander @ Bittu Nischal has already joined the investigation though, recovery of alleged gold chains could not be effected. The case of petitioner-Jaideep Chander @ Bittu Nischal is that payment of amount has already been made to the complainant against bills (Annexure P-3). However, complainant has disputed the receipt of amount whereas petitioner-Rohit was working as servant with Jaideep Chander @ Bittu Nischal on his shop and he brought one of the gold chains from complainant and handed it over to his employer. There is a debatable question that whether Rohit has committed any fraud or duped complainant. The dispute though appears to be more of civil nature yet at this stage, no such opinion can be expressed.

3. In the light of what has been discussed above but without

expressing any opinion on the merits of the case, both these petitions are allowed, petitioner-Rohit Kumar (in CRM-M-13512 of 2015) is ordered to be released on interim bail, in the event of arrest at the satisfaction of arresting officer subject to provisions envisaged under Section 438(2) Cr.P.C. and order dated March 13, 2015, passed in CRM-M-887-2015, is made absolute, subject to the following conditions prescribed under Section 438(2) Cr.P.C:-

- (i) *that the petitioner(s) shall make themselves available for interrogation by a police officer as and when required;*
- (ii) *that the petitioner(s) shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the Court or to any police officer;*
- (iii) *that the petitioner(s) shall not leave India without the previous permission of the Court.*

(JASPAL SINGH)
JUDGE

May 05, 2015
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