

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

**CRM-M No.40282 of 2015 (O&M)
Date of Decision: 16.05.2016**

Rahul Gupta

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. Atul Yadav, Advocate for the petitioner.

Mr. Gaurav Dhir, Deputy Advocate General, Haryana
for the respondent/State assisted by S.I. Munish Kumar.

Dr. D.S.Chahal, Advocate for the complainant.

JASWANT SINGH, J. (Oral)

The prayer is for grant of regular bail under Section 439 Cr.P.C. to the petitioner/accused-Rahul Gupta in case FIR No. 72 dated 16.03.2015, under Sections 420, 406, 467, 471, 120-B of the Indian Penal Code, registered with Police Station Sushant Lok, Gurgaon.

As per the allegations levelled by the complainant-Vaibhav Goel, working as a Manager in the IDBI Bank, the petitioner/accused-Rahul Gupta represented himself to be an authorised person of Logix Group of Companies and induced him and his nephew to book a flat in the upcoming project of Logix Group Blossom Greens, Sector 143, Noida.

The petitioner/accused is alleged to have sent his co-accused Sanjay as a representative to the residence of the complainant and collected a cheque of Rs.12.36 lacs issued in the name of Logix Infratech at their instance. Subsequently, it was found that the amount was encashed by opening a fake account and there was no company under the name of Logix Infratech. Thus, they had been cheated for the said amount.

Learned Counsel for the petitioner submits that the petitioner is in custody since 01.07.2015 and the case is triable by a Magistrate and only 01 out of 07 cited prosecution witnesses has since been examined. He further submits that the petitioner is not involved in any other case.

Learned Counsel for the complainant opposes the grant of bail.

Learned State Counsel, assisted by S.I. Munish Kumar, does not dispute the custody period, non-involvement of the petitioner in any other case, role attributed and stage of the trial.

Without commenting on the merits of the case, keeping in view the custody period, non-involvement of the petitioner in any other case, role attributed and the fact that case is triable by a Magistrate and trial is not likely to be concluded in near future, this Court finds that petitioner/accused deserves the concession of regular bail and as such he is ordered to be released on regular bail subject to heavy sureties to the satisfaction of CJM/Duty Magistrate concerned.

Disposed of.

May 16, 2016
Gagan

(JASWANT SINGH)
JUDGE