

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-32457-2018

Date of decision:27.09.2018

Sajid @ Raja

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM : HON'BLE MR.JUSTICE GURVINDER SINGH GILL

Present: Mr. Vikaram Singh, Advocate
for the petitioner.

Mr. Navdeep Singh, AAG, Haryana
assisted by ASI Ishwar Singh.

GURVINDER SINGH GILL, J. (ORAL)

The petitioner seeks grant of regular bail in a case registered against him vide FIR No.180 dated 05.05.2018 under Sections 420, 406, 508, 201, 34 of Indian Penal Code, 1860 registered at Police Station City Tohana, District Fatehabad.

The FIR was registered at the instance of Prem Singh who alleged that his wife was not keeping well since several days and was under influence of some evil spirits and that he was introduced by one Mange Ram Jogi who used to visit their village, to one '*Tantrik*' namely

Sajid @ Raja by stating that he is an accomplished '*Tantrik*' and could cure his wife. It is alleged that complainant reposed confidence in the said '*Tantrik*' who duped him of an amount of ₹27, 21,000/- which was given on various occasions. The said amounts were paid to both the accused i.e. Sajid @ Raja and Mange Ram on various occasions. During the said period it was represented by the present petitioner that Mange Ram has expired and in order to ensure that influence of evil spirits and ghosts do not start influencing the house of the complainant, the complainant would be required to pay an amount and consequently the complainant paid an amount of ₹5, 61,000/- to the petitioner-Sajid @ Raja.

Notice of the petition was issued to the respondent-State.

Learned counsel for the petitioner has submitted that he has falsely been implicated in the present case and that although the allegations are to the effect that huge amount of ₹27, 21,000/- was paid by the complainant, but there is nothing on record to show that the complainant was indeed possessed of such sources to make such a huge payment. Learned counsel further submitted that in any case, the main accused Mange Ram had already expired and that out of the alleged amount of ₹5,61,000/- stated to have been paid to the petitioner, ₹5,00,000/- has already been recovered.

On the other hand learned State counsel submitted that in view of the nature of fraud and also that subsequently the wife of the complainant had expired, no ground for release of the petitioner on bail is made out.

Having considered the rival submissions addressed before this Court, I do find that it is a case where the complainant is alleged to have been deprived of huge amount on the pretext that the accused would ensure that his wife is not influenced by evil spirits. However, I find that as of now the investigation has already concluded and challan has been presented. As far as the death of the complainant's wife is concerned, a separate case for offence punishable under Section 306 of Indian Penal Code, 1860 was lodged wherein the petitioner has already been granted regular bail. The conclusion of trial, in its normal course, is likely to take some time. In my opinion, no fruitful purpose would be served by further detaining the petitioner behind bars. Accordingly, petitioner-Sajid @ Raja is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate, Fatehabad.

It is, however, clarified that none of the observations made above shall be taken to be an expression on merits of the main case.

This petition stands accepted accordingly.

(GURVINDER SINGH GILL)
JUDGE

27.09.2018
Gaurav Sorot

Whether reasoned / speaking? Yes / No

Whether reportable? Yes / No