

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-42046-2018 (O&M)

Date of Decision: 11.10.2018

Dalip Kumar Verma and Ors

...Petitioners

vs.

State of Haryana

..Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Aditya Sanghi, Advocate
for the petitioners.

Mr. Himmat Singh, DAG, Haryana.

ARVIND SINGH SANGWAN,J

Prayer in this petition is for grant of regular bail to the petitioners in case FIR No. 292 dated 13.10.2015, under Sections 420/406/120-B/467/468 and 471 IPC, registered at Police Station Agroha, District Hisar, Haryana.

The allegations in the FIR, registered on a complaint given by complainant-Ravi Kumar, are that on seeing the advertisement, floated by the petitioners and other co-accused for giving the gas agency/dealership, the complainant had paid an amount of ₹8 lacs to the petitioners for obtaining dealership license and, thereafter, another amount of ₹11 lacs approximately was given as security and after completing all the formalities and obtaining certificates from the concerned departments, the complainant had given certainly more amount which was transferred in the back account of the petitioners. The complainant was granted dealership of M/s Kajla Gas Service Agency and released 266 new connections and in the month of May, 2013, when the complainant contacted the petitioners for re-filling the gas

cylinders, he was informed that on account of shortage of gas, the same could not be supplied and later on, supply of cylinder was stopped. The present FIR has been registered on the premise that the petitioner(s) and other co-accused have cheated the complainant for a sum of Rs.34 lacs, in total.

Counsel for the petitioners submits that a number of FIRs have been registered against the petitioners with similar allegations. Referring the orders passed by various Courts (Annexures P3 (colly), P4 and P5 (colly), he further submits that in majority of the cases, the petitioners have been granted concession of regular bail either by this Court or by the High Court of Rajasthan and even by the trial Court. He further submits that, in fact, after allocation of the gas agency, one lot of gas cylinders was supplied to the complainant but on account of increase in the price of the Liquefied Petroleum Gas (LPG), there was a dispute between the petitioners and the complainant regarding increased rate and the FIRs have been registered by the complainant and similarly situated dealers.

Counsel for the petitioners further submits that the petitioners are in custody since 29.01.2018; challan has been presented; offences are triable by the Court of Magistrate and the conclusion of the trial will take long time as charges are yet to be framed.

Learned State counsel has filed custody certificates of the petitioners and submitted that since the petitioners are involved in a number of cases, registered at different places, thus, they do not deserve the concession of bail and sought dismissal of the present petition.

Without commenting anything upon the merits of the case, considering the fact that the conclusion of the trial will take some time;

challan has been presented; charges are yet to be framed and the petitioners have already been granted the concession of regular bail in similar identical cases, no purpose will be served by keeping the petitioners in judicial custody. Therefore, the present petition is allowed and the petitioners are ordered to be released on bail, subject to their furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

(ARVIND SINGH SANGWAN)
JUDGE

11.10.2018
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Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No