

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

CRM-M-6936-2018

Date of Decision:19.03.2018

Sanjay Sharma

.....Petitioner

Vs.

State of Haryana

....Respondent

CORAM : HON'BLE MR.JUSTICE AMOL RATTAN SINGH

Present:- Dr. Anmol Rattan Sidhu, Sr. Advocate with
Mr. Pratham Sethi, Advocate
for the petitioner.

Mr. Mukesh Rao, Advocate
for the complainant.

Mr. Surender Singh, AAG, Haryana.

AMOL RATTAN SINGH, J. (Oral)

Dr.Sidhu, learned Senior Counsel for the petitioner, submits that even as per the statement the complainant, Jitender Yadav, the fake jewellery was handed over to him by the co-accused of the petitioner, Bahadur Singh and not by the petitioner himself; hence the petitioner has been falsely roped in only because he is alleged to have introduced Bahadur Singh to the complainant, who is a doctor from whom the petitioner was taking treatment.

Learned State counsel on instructions however submits that the petitioner is a part of a gang including Bahadur Singh, and he and learned counsel for the complainant both reiterate that as per the statement of Bahadur Singh, Rs.10 lakhs was given to the petitioner (by Bahadur Singh) as was allegedly taken from the complainant by Bahadur Singh.

Learned State counsel also submits that 3 other cases of like

nature stand registered against the petitioner, though after the FIR in question.

Learned Senior Counsel however submits that the statement made by the co-accused is not admissible in evidence and therefore, no case is actually made out against the petitioner.

Dr.Sidhu has also submitted that there is a 3 year delay in lodging the FIR itself, to which learned counsel for the complainant counters that the complainant not being aware of the fact that it was fake jewellery that had been sold to him, it is only upon his discovery thereof that the complaint eventually was made leading to the registration of the FIR.

Having considered the aforesaid arguments, though the disclosure statement made by a co-accused may not be admissible eventually in evidence against the petitioner, this being a stage of investigation only with regard to the alleged fraud committed upon the complainant, to the tune of between Rs.20-Rs.29 lakhs, I see no ground to further entertain this petition, which is consequently dismissed with the interim order is vacated.

However, nothing observed heretofore in this order or in the previous order shall be taken to be a comment of this Court on the actual merits of the case for or against the petitioner, which would be gone into by the investigating agency and the competent Court when it comes to that stage, all observations having been made only in the context of granting/refusing anticipatory bail to the petitioner.

March 19, 2018

dharamvir/dinesh

**(AMOL RATTAN SINGH)
JUDGE**

Whether speaking/reasoned : YES/NO
Whether Reportable : YES/NO