

S.No.217

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

CRM-M-14310 of 2019 (O&M)

Date of Decision:13.05.2019

Sachin

.....Petitioner

Vs.

State of Haryana

.....Respondent

CORAM:- HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present:- Mr. Suman Jain, Advocate
for the petitioner.

Mr. Parveen Aggarwal, DAG,
Haryana.

Rajbir Sehrawat, J.(Oral)

The present petition has been filed by the petitioner under Section 439 Cr.P.C for grant of bail pending trial in case FIR No.734 dated 07.08.2018 registered under Sections 406/420/506/34 IPC and 2(b) of the Haryana Protection of Interest of Deposition Financial Establishment Act, 2016 at Police Station Hisar City, Hisar.

Learned counsel for the petitioner submits that the petitioner has been wrongly involved in this case. Even as per the case of the prosecution, only allegation against the petitioner is of collection of money @ Rs.1,000/- per month for running a “Committee” business for 24 months. It is further submitted that admittedly 18 lucky draws had already been held and the participants had been paid their money accordingly. However, from 19th draw onward, their money could not be paid. Therefore, at the worst, it is a case of cheating involved only for five “Committees” involving a paltry sum of a few thousands of rupees. The petitioner is in custody since 28.12.2018. Challan has already been filed. Still further, it is submitted

that the petitioner is not the main accused, rather the allegation is against his brother, Dinesh Malhotra. It is further submitted that in this case, the petitioner is not required for any investigation purposes and there is no other case against the petitioner.

On the other hand, learned counsel for the State, being instructed by ASI Dinesh, submits that the petitioner is actively involved with his brother in defrauding the poor labourers. However, it is not disputed that 18 draws had already been held and amounts paid accordingly. This dispute is regarding amount of only five lucky draws. It is also not disputed that challan has already been filed and that there is no other case against the present petitioner.

In view of the above, but without commenting upon merits of the case, the present petition is allowed. It is ordered that the petitioner be released on his furnishing bail bonds/ sureties to the satisfaction of the trial Court/ Duty Magistrate.

May 13, 2019
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(RAJBIR SEHRAWAT)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No