

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

CRM-M-11531-2021

Date of Decision: 06.04.2021

Rattan Bhushan Gupta

...Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR JUSTICE ARUN MONGA

Present: - Mr. Keshav Partap Singh, Advocate,
for the petitioner.

Mr. M.K. Taya, AAG Haryana.

ARUN MONGA, J. (ORAL)

1. Through this second bail application, petitioner seeks regular bail in FIR No. 329 dated 06.11.2019, registered under Sections 406, 420, 467, 468, 471, 506 and 120-B IPC, Police Station Sarai Khawaja, District Faridabad, having got the earlier petition(CRM-M-22297 of 2020)dismissed as withdrawn on 01.09.2020. Petitioner was arrested on 19.11.2019.

2. Per FIR allegations, petitioner in connivance with his co-accused Mohd. Kadeem, Ram Singh Yadav and others cheated the complainant for a sum of Rs.3,40,000,00/-.

3. Learned counsel for the petitioner submits that petitioner is not a beneficiary to the transactions. The prime accused i.e. Ram Singh Yadav and other co-accused Mohd. Kadeem have already been enlarged on bail by this Court vide orders dated 21.07.2020 and 11.02.2021, respectively.

According to him, the petitioner is on better footing than co-accused and on

the ground of parity alone the petitioner is entitled to similar concession. He further submits that investigation of the case is already over and there is no headway in the trial on account of scenario arising out of the current pandemic.

4. On antecedents of the petitioner, learned counsel submits that after registration of the instant case, the petitioner was implicated in two more cases pertaining to the connected financial transactions, but the petitioner has already been accorded the benefit of regular bail.

5. Per contra, learned State counsel opposes the bail plea. According to him, the petitioner is in habit of cheating the innocent people and there is every apprehension that he might again indulge in similar offence, if released on bail.

6. I have heard the rival contentions of the respective learned counsels.

7. On a query of Court, learned counsel for the petitioner submits that no money was ever remitted in the account of the petitioner, who is/was merely an employee, acting under the orders of prime accused Ram Singh Yadav. His employer, the alleged kingpin of the financial transactions/cheating, has been accorded the benefit of regular bail by a Coordinate Bench of this Court.

8. Though, as regards the remittance of any money to the petitioner herein, learned State counsel is unable to react for lack of instructions, but he does not controvert that petitioner was in employment of Ram Singh Yadav. He submits that as regards the remittance of money, same was transferred in as many as 10 different accounts.

9. The rival contentions, as noted aforesaid can only be adjudged at the trial. Involvement of the petitioner has been revealed pursuant to his

own custodial disclosure statement. Since investigation is already over, charges have been framed and the case before the trial court is now fixed for prosecution evidence. The trial is not likely to conclude soon in view of the situation that has arisen due to pandemic.

10. Considering the overall scenario, without commenting on the merits of the case, this petition is allowed. I am of the view that no useful purpose would be served to keep the petitioner in further preventive custody. He is in custody since 19.11.2019.

11. Accordingly, petitioner shall be released on bail on his furnishing bail bonds and surety bonds to the satisfaction of concerned Chief Judicial Magistrate/ Duty Magistrate, as the case may be.

12. It is, however, made clear that in case the petitioner is found involved in any other case of similar nature while on bail, the prosecution shall be at liberty to seek cancellation of his bail.

(ARUN MONGA)
JUDGE

06.04.2021

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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No