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

**CRM-M No.12717 of 2021
Date of Decision: 28.04.2021**

RAKESH KUMAR GARGPetitioner
Vs
STATE OF HARYANARespondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present:Mr. R.S. Mamli, Advocate
for the petitioner.

Mr. Anant Kataria, D.A.G., Haryana.

Mr. Amit Chaudhary, Advocate
for the complainant.

RAJ MOHAN SINGH, J.(Oral)

The case has been taken up for hearing through video conferencing.

Petitioner seeks grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.0353 dated 11.10.2019, registered under Sections 406, 420, 34 IPC at Police Station Bhuna, District Fatehabad.

The FIR was registered by the complainant Dr. Rajesh Saini with the allegations that the petitioner being a diabetic patient used to visit his Hospital along with his family for treatment. The complainant became friendly with the accused

Rakesh Garg, Pankaj Garg and Devi Parson. They asked the complainant to invest money in a chit fund company in order to get good profit. On the asking of the petitioner and others, the complainant invested an amount of Rs.12 lakhs with the accused persons in one year. In the month of June 2019, all the three accused persons visited the complainant and asked for an amount of Rs.25 lakhs. The complainant obtained a loan from HDFC Bank and transferred an amount of Rs.25 lakhs in three installments by different cheques in favour of the accused persons in the presence of his driver Kala Ram. The complainant paid an amount of Rs.1 lakh on 08.07.2019 to the accused persons in the presence of one Rajbir. When the complainant demanded his amount of Rs.39,72,000/-, the accused persons started misbehaving with him and refused to pay the amount. The FIR was registered. Petitioner was arrested on 04.12.2020. During interrogation, the petitioner made a disclosure statement regarding his involvement in the present case.

Learned counsel for the petitioner submitted that after investigation challan has been presented. Co-accused Devi Parson has already been granted regular bail by the Addl. Sessions Judge-cum-Special Judge, Fast Track Court, Fatehabad vide order dated 04.09.2020. The trial of the case

may take some time in its culmination. The offence is triable by the Magistrate.

The factual matrix of the case could not be disputed by learned State counsel on instructions from SI Mahender Singh.

Admittedly, the challan has been presented. Petitioner is in custody since 04.12.2020. The offence is triable by the Magistrate. Petitioner is having some antecedent behaviour of criminal activity being involved in the Gambling Act in different FIRs, in which he is on bail. Even in some cases, he has been convicted, but is on bail.

In view of aforesaid position, I deem it appropriate to enlarge the petitioner on regular bail.

In view of above, petition is allowed. Petitioner is ordered to be released on bail, subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of the trial Court/concerned Duty Magistrate.

Nothing expressed hereinabove would be construed to be an expression of any opinion on merits of the case.

April 28, 2021

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Whether speaking/reasoned

Whether reportable

(RAJ MOHAN SINGH)
JUDGE

Yes/No

Yes/No