

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

216

**CRM-M-17634-2021 (O&M)
Date of decision: 06.07.2021**

PRAVEEN BHANOTAR

...Petitioner

Versus

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Karan Kaushal, Advocate
for the petitioner.

Mr. Pardeep Prakash Chahar, D.A.G. Haryana.

Mr. Abhay, Advocate
for the complainant.

HARNARESH SINGH GILL, J. (ORAL)

Case is taken up for hearing through video conferencing.

Through this 2nd petition filed under Section 439 Cr.P.C., the petitioner seeks regular bail in case FIR No.151 dated 20.03.2020, registered under Sections 328, 406, 420, 506, 120-B IPC, at Police Station Karnal Civil Lines, District Karnal, Haryana.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the above-noted FIR and that he had neither taken the money nor was ever handed over such amount. It is further submitted that the petitioner has settled the matter with the complainant and his father vide compromise deed dated 14.04.2021 and therefore, taking

into account the said aspect, the petitioner is required to be released on regular bail.

On the other hand, learned State counsel submits that the petitioner being key conspirator in the matter and the amount involved being a huge one i.e. Rs.86 lakh, no indulgence is required to be granted to the petitioner.

I have heard the learned counsel for the parties.

As per the prosecution version, the petitioner along with accused Naresh @ Rajesh had been introduced to Satish (father of the complainant) by accused-Mahant Swami Prashant Puri. As noticed above, the said two persons i.e. Mahant Swami Prashant Puri and Naresh @ Rajesh, are co-accused in the above-noted FIR. As per the further version of the prosecution, the gold brick ultimately turned to be a fake one and when the complainant asked for the return of the said amount of Rs.86 lakh, the accused demanded more money to give him the real gold brick. Thus, the culpability of the crime and premeditation of the minds, both are present at all levels of the crime.

Still further, it is clear from the FIR that on the asking of the accused, the complainant had taken Rs.86 lakh from his house and when the accused took him to Gharaunda side, there a Muslim boy was standing on the road with a gold brick. The accused took the said gold brick and shown it to the complainant, but at the same time, they had administered the complainant some intoxicant and asked the complainant to give the said amount of Rs.86 lakh to the Muslim boy, and further told the complainant

that they would sell the said brick in Chandigarh. On the way to Chandigarh, when they reached Lalru, accused-Naresh told him about the gold brick being a fake one. Learning this, the complainant was taken a back and the accused had turned the car back towards Gharaunda. On reaching there, they met the Muslim boy and showed him the gold brick to which he said that he would give them another gold brick, but nothing of the sort was done. The complainant asked for the return of the money but the accused did not pay any heed to it.

The allegations against the accused including the petitioner are serious in nature. The mode and modus put into service while committing the crime, points out a clear design on the part of the accused, including the petitioner. So far as the factum of compromise is concerned, this Court vide a separate order of even date has dismissed the petition filed by the petitioner seeking quashing of the FIR on the basis of compromise. Thus, the said ground no longer holds the space.

In view of the above, no ground for grant of regular bail is made out.

Dismissed.

06.07.2021

Aman Jain

(HARNARESH SINGH GILL)

JUDGE

Whether reasoned/speaking? Yes/No
Whether reportable? Yes/No