

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Criminal Misc.-M No.37496 of 2020

Date of Decision: November 11, 2021

Jitender @ Kala

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr.Manvinder Singh Dalal, Advocate,
for the petitioner.

Mr.Sukhdeep Parmar, DAG, Haryana.

MANOJ BAJAJ, J. (Oral)

Petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail, pending trial in case FIR No.102 dated 24.01.2019, under Sections 406, 420 and 120-B IPC, 1860, registered at Police Station, Sadar Karnal, District Karnal, who is in custody since his arrest on 31.01.2019.

The above FIR was registered on the statement of Parminder Singh, who stated that in April, 2018 he met accused Raghubir, who told him that he is doing business of Bajri crusher and Cable T.V. in Karnal and now he has started business of gold by taking licence for import and export. He allured the complainant to invest money in gold business and started saying that he would give him one kilogram of gold for Rs.27.00 lacs to get benefit of 3-4 lacs in one kilogram gold. The complainant gave Rs.27.00 lacs to accused No.3, who assured to supply gold in one month. At that time, he was accompanied with one more person. On 20.05.2018, accused No.3 came to the applicant in his Bolero car and said that your goods have

arrived, but you have to go to Kaithal for delivery, on which the complainant along with accused No.3 Raghubir reached in a house in a colony in Chhotu Ram Chowk at Karnal Road, Kaithal, where accused No.4 Jitender was present, who asked his mother to bring a plate of gold and hand over the same to the complainant. Raghubir @ Kala after giving one kilogram gold plate took the complainant to a house at Karnal and stated that if he wanted to sell the gold, he can arrange a purchaser. On the affirmation of the complainant, he telephoned someone and said him to come along with Vaid. After half an hour, accused Naresh Dhanda brought a man to whom they were calling Vaid Saab and took the gold plate from the applicant and gave the same to him. After about one and half hour, he came back and gave Rs.31.50 lacs to the applicant. Next day in the morning, again accused Naresh Dhanda and Raghubir came to the applicant at his house and allured him to get profit again, on which he got ready. It is further alleged that in August, 2018, accused Raghubir and Jitender came back to the applicant and said that how long will play in one kilogram now order for 5-10 kgs. They took him in Vivan Hotel and arranged a meeting with accused Sonu Dhanda and Rajesh @ K.D.Baba. They allured the complainant that if you order for ten kgs. gold, then they will give you gold @ Rs.22 lacs per kg. and supply in 10-12 days, on which the applicant asked for 5-7 days time to arrange the money. The applicant after arranging the money contacted accused Raghubir and told him that he has Rs.1.30 crores, who replied that rate is for 10 kgs. and if the money is less, then he has to talk to Sonu Bhai. Then he talked to accused No.1 and 5 by going aside and after some time, he told that same rate will be done, but you have to arrange Rs.2.00 lacs more. On the asking of accused, he handed over

Rs.1.32 crores to accused No.1 and 5 on 30.08.2018 in Karnal and at that time, accused Nos.2, 3 and 4 were also present. After the lapse of fifteen days, the accused persons had not contacted the applicant and started dilly dallying the matter on one pretext or the other. In December, 2018, when applicant threatened accused No.3 to return his money, accused No.2 and 3 took him to the house of accused No.5 at Colony at Ambala on Naraingarh road, where accused No.5 was present and he introduced accused No.6 that she is his wife Sakshi and assured that work will be done within 2-4 days. Accused No.3 told the applicant to take the gold from Karnal after four days. When after four days applicant went to Karnal on the address given, accused No.6 was already present there, who told him that your goods are coming in 10-15 minutes. After about 20 minutes, accused No.1 to 5 came there and on his coming, accused No.6 torn her clothes and started crying and saying accused No.1 to 5 that the complainant was doing forcible act with her, upon which they started beating the complainant. On these broad allegations, the present FIR was registered.

Learned counsel for the petitioner has argued that no offence is made out against the petitioner as no specific allegation is levelled against him. He submits that there is a long delay in lodging the FIR as the occurrence is of 30.08.2018, but the FIR has been registered on 24.01.2019. He contends that the trial is likely to consume considerable time to conclude as the charges are yet to be framed, and the co-accused have already been released on bail vide orders Annexures P-2 and P-3, so the petitioner also deserves this concession. He prays for bail.

On the other hand, the prayer is opposed by the learned State counsel, assisted by SI Charan Singh, who has argued that the petitioner

along with other co-accused persons had induced the complainant to make payment of huge amount to them and had caused wrongful loss to him. He has further argued that the petitioner is an accused in eleven cases and out of these, he is on bail in six cases and in this regard, he has produced his custody certificate by way of Shailakshi Bhardwaj, Deputy Superintendent of Prison, Deputy Superintendent, District Prison, Karnal.

After hearing the learned counsel for the parties and considering the above background, this court is of the opinion that as per prosecution, the petitioner, who is named in the FIR, received the money from the complainant on various occasions and during investigation, 1 kg 005 grams gold was also recovered from his possession. It is the case of the prosecution that the petitioner by adopting this modus operandi has cheated various persons and trial in all these cases is pending, thus, without expressing any opinion on the merits of this case, this court does not find it to be a fit case for releasing the petitioner on regular bail at this stage.

Dismissed.

November 11, 2021
ramesh

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable:

Yes/No
Yes/No