

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No. 205

CRM-M-31418-2022

Date of decision : 10.11.2022

Prithvi Raj

..... Petitioner

VERSUS

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr.P.S.Chauhan, Advocate, for the petitioner.

Ms.Kirti Singh, DAG, Haryana.

DEEPAK SIBAL, J. (ORAL)

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail in FIR No.218 dated 19.06.2019 registered under Sections 406, 420, 120-B IPC and Section 3 of the Haryana Protection of Interest of Depositors in Financial Establishment Act, 2013 at Police Station Rewari City, District Rewari.

The allegations against the petitioner are that the petitioner and his co-accused duped innocent customers by requiring them to make deposits for installation of solar panels as also for giving them subsidies for the same but after the deposits were made neither solar panels were got installed nor subsidies were given.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case; the main accused in the case is his brother namely Somdev Khola who is in custody; the petitioner is in custody since 03.11.2020; investigation in this case is complete; in a similar FIR the Rajasthan High Court through its order dated 09.04.2021 passed in S.B.Criminal Miscellaneous 2nd Bail Application No.5171/2021 *Prithvi Singh vs State of Rajasthan, Through Pp* has granted regular bail to the petitioner; similarly placed co-accused-Saroj, who had earlier approached this Court through CRM-M-2860-2021 *Saroj vs. State of Haryana*, has also been granted regular bail by this Court on 02.03.2022; even if the petitioner is found guilty, the maximum imprisonment that can be imposed on

him is of seven years out of which he has already undergone over two years; the petitioner's bank accounts as also his properties already stand seized by the State and that because in the petitioner's trial 59 prosecution witnesses still remain to be examined, the same will take a long time to conclude.

Learned State counsel opposes grant of bail to the petitioner on the ground that the petitioner and his co-accused have swindled innocent customers for over Rs.5 crores; the petitioner has five other similar criminal cases pending against him and that if released on bail he may influence his trial.

The petitioner is in custody for the last over two years; investigation in this case is complete; the petitioner's trial is likely to take a long time to conclude as in the same 59 prosecution witnesses are to be examined; in a similar FIR the Rajasthan High Court has already granted regular bail to the petitioner; co-accused Saroj, who is similarly placed as the petitioner, has also been granted regular bail by this Court and that the petitioner's bank accounts as also his properties have already been seized by the State.

In view of the above, the present case is considered to be a fit one in which the petitioner be directed to be released on regular bail. Resultantly, subject to the satisfaction of the CJM/Duty Magistrate, Rewari, the petitioner is directed to be released on bail.

It is clarified that the above observations have been made only for the limited purpose of deciding the present regular bail application and the same would not be construed to be an expression of opinion on the merits of the case.

It is further clarified that if on bail the petitioner is found indulging in any criminal act or misusing the concession of bail granted by this Court, it would be open to the State to seek cancellation of the bail granted to him through this order by filing of an appropriate application before this Court.

10.11.2022

shamsher

Whether speaking/reasoned

Whether reportable

:

:

Yes / No

Yes / No

[DEEPAK SIBAL]

JUDGE