

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

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CRM-M-45476-2021

Date of Decision : January 31, 2022

DEEPAK SAINI

.....Petitioner

VERSUS

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Through Video Conferencing

Present: Mr. K.S.Derabassi, Advocate
for the petitioner.

Mr. Rahul Mohan, DAG, Haryana.

JASGURPREET SINGH PURI. J. (Oral)

The present petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No.157 dated 28.8.2021 under Sections 420/406/467/468/471/120-B IPC, registered at Police Station Sohna, District Gurugram.

It has been submitted by the learned counsel for the petitioner that the petitioner is in custody from 28.8.2021 and investigation of the case is complete and the challan has been presented although the charges have not been framed as yet. He has further submitted that the petitioner was only a driver of co-accused, namely, Nikesh Pachputte and another co-accused, namely, Vinod Kumar and Alok Mahajan and being a driver he had no role to play in case there was any fraud made by them. He has submitted that his name has been

although mentioned in the FIR only in view of the fact that he used to accompany the other two accused but he did so in the capacity of a driver only and is not involved in the present case and, therefore, he may be considered for the grant of regular bail.

On the other hand, learned State counsel has submitted that a detailed affidavit has been filed by the State and while referring to the affidavit he submitted that the petitioner was although a driver of the car but he was actually involved alongwith two other co-accused and not only this he was in touch with the victim, namely, Arun and he had rather accompanied the other co-accused when he came for the purpose of demanding the remaining amount of Rs.5 lacs and at that point of time he alongwith other co-accused was apprehended by the complainant. He further submitted that the mobile number and the records were also taken from the concerned service provider and it was found that the petitioner and the other co-accused were in constant touch with the victim. He submitted that the magnitude of the case was very high in view of the fact that they had taken huge amount of money on the pretext of getting the jobs in FCI. Learned DAG has further referred to para No.8 of the affidavit to state that the petitioner is also involved in two more cases of similar nature. He further referred to para No.10 of the affidavit to state that the petitioner has not only committed serious fraud with the victim but also with the FCI and there is every likelihood that he may tamper with the evidence and influence the material witnesses and may abscond from justice which may further delay the trial. He further submitted that none of the prosecution witness has been examined as of today and,

therefore, the petitioner does not deserve the concession of bail.

I have heard the learned counsels for the parties.

The petitioner is in custody from 28.8.2021. As per the allegations, the petitioner although being a driver is also involved in the present case alongwith two other co-accused. The petitioner is also facing two more FIRs of similar nature although they are registered after the present FIR but the magnitude of the case is pertaining to a number of victims from whom they had taken money for getting the jobs in the FCI and the petitioner was also apprehended by the victim when he alongwith other co-accused had come to take the remaining amount of Rs.5 lacs.

Without going into the merits of the case, this Court does not deem it fit and proper to grant bail to the petitioner.

Therefore, the present petition being devoid of merit is, hereby, dismissed.

However, anything observed here-in-above shall have no effect on the merits of the case and is meant for deciding the present petition only.

January 31, 2022

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(JASGURPREET SINGH PURI)

JUDGE

Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No