

217-2

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-36343-2019

Date of decision : 21.03.2022

Rajinder Kumar Jain

....Petitioner

Vs.

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Rishabh Gupta, Advocate for the petitioners.

Mr. V.G.Jauhar, Senior DAG, Punjab.

Mr. Jasraj Singh, Advocate for the complainant.

MANOJ BAJAJ, J.

Petitioner has filed this petition under Section 439 Cr.P.C for grant of regular bail pending trial in case FIR No.142 dated 04.10.2018 under Sections 406, 420 and 120-B Indian Penal Code, 1860 registered at Police Station Dasuya, District Hoshiarpur, who is in custody since his arrest on 30.07.2019.

The allegations as noticed by learned Additional Sessions Judge, Hoshiarpur in his order dated 14.08.2019 are as under:-

“As per version of FIR, complainant Harsh Vardhan Jain moved an application to the SSP, Hoshiarpur dated 22.1.2018 stating that he and his wife Anita Jain, his brother Rajinder Kumar Jain and his wife Manju Jain are partners of firm Dada Motors,

Hoshiarpur. Said firm is doing the business of sale and purchase of tractors and its parts. The firm has its branch at Dasuya which is being looked after by Rajinder Kumar Jain and his wife Manju Jain exclusively. The firm is having CC Limit account with SBI, Hoshiarpur. The stocks of both the offices at Hoshiarpur and Dasuya are hypothecated with the bank. Rajinder Kumar Jain, his wife and his son entered into a criminal conspiracy. They floated a new firm namely Dada Autos at Dasuya without the consent of other partners. The entire stocks of tractors and spare parts of Dada Motors, Dasuya worth Rs. Two Crore was misappropriated by them. The complainant came to know about this fact when the officials of SBI started pressurizing the complainant and his wife to regularize the CC Limit Account as Rajinder Kumar Jain became irregular in operating the CC Limit Account. The applicants have cheated the complainant and have played a fraud by floating a new firm after misappropriating the stocks.”

Learned counsel for the petitioner has argued that dispute between the brothers has taken an ugly turn and the complainant has implicated the petitioner through FIR No.142 dated 04.10.2018 (Annexure P-1) and pursuant to that, he was taken in custody on 29.07.2019. He submits that on 24.01.2020, this Court extended the concession of interim regular bail to the petitioner and by that time, the investigation in the case was over as final report stood filed. He submits that pursuant to the above order dated 24.01.2020, the petitioner is regularly attending the trial proceedings and has not misused the concession. He prays for regular bail.

Learned counsel for the complainant does not dispute this

fact that investigation of the case was over, when the petitioner was released on interim regular bail.

On the other hand, learned State counsel assisted by ASI Gagan Singh has fairly stated that the concession granted by this Court was never misused by the petitioner. He further on instructions states that out of total nine prosecution witnesses, none has been examined so far and the case is now fixed for 04.04.2022 for recording prosecution evidence.

Considering the above background, nature of the offences and the fact that the investigation is complete, the prayer made in this petition on his behalf is accepted, as the trial is likely to take considerable time to conclude.

Resultantly, the petition is allowed and petitioner's prayer for grant of regular bail is accepted. It is further ordered that the petitioner shall continue to remain on bail bonds and surety bonds already furnished by him before the trial Court.

(MANOJ BAJAJ)
JUDGE

21.03.2022

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