

CRM-M-10073-2022

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

CRM-M-10073-2022

Date of decision: 20.07.2023

Jatinder Sharma @ Kala Pai

...Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

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

Mr. Rupinder Singh Jhand, Addl. A. G. Haryana.

HARNARESH SINGH GILL, J. (ORAL)

1. Through this petition, the petitioner seeks regular bail in case FIR No.129 dated 25.04.2019, registered at Police Station Sector 17, Faridabad, under Sections 406 and 420 IPC and Sections 323, 379-B, 120-B and 506 IPC (added later on).

2. Learned counsel for the petitioner contends that as per the prosecution version, after having been allured by the petitioner and some of the co-accused, the complainant gave money to co-accused, Rajesh @ Candy Baba to purchase gold, which had been returned by adding the profit of Rs.1 lakh therein; that thereafter again, the complainant gave a substantial amount to the accused, but they had neither delivered gold nor returned the money and that co-accused Rajesh @ Candy Baba also gave a post-dated cheque amounting to Rs.1.40 crore to the complainant, but the same had been snatched from the latter at gun-point.

3. Learned counsel for the petitioner further contends that the

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petitioner has falsely been implicated in the present case; that recovery of post-dated cheque had allegedly been effected from co-accused Rajesh @ Candy Baba; that even the allegation of threatening the complainant are against co-accused Rajesh @ Candy Baba. It is further submitted that the petitioner was not in direct touch with the complainant. It is further submitted that the petitioner has been in custody for the last more than 02 year and 02 months; that prosecution witnesses are yet to be examined; that co-accused, namely, Sakshi Ahuja, Naresh Dhanda and Paras Jain have already been bailed out by learned Addl. Sessions Judge, Faridabad; that vide order dated 21.11.2022 passed by this Court in CRM-M-40516-2022, co-accused, namely, Raghubir @ Kala @ Raghbir has since been granted the concession of regular bail and that on the ground of parity, the petitioner is also entitled to be released on bail. So far as other cases registered or pending against the petitioner, are concerned, he has been bailed out in most of the cases.

4. On the other hand, learned State counsel, while opposing the grant of bail to the petitioner submits that the petitioner was an active member of gang run by Rajesh @ Candy Baba and that are specific allegations against the petitioner that he alongwith the co-accused had cheated the complainant. It is further submitted that recovery of Rs.8,000/- had been effected from the petitioner and that material prosecution witnesses are yet to be examined. It is further submitted that the petitioner is a habitual offender and has as many as 13 other cases registered or pending against him.

5. I have heard the learned counsel for the parties.

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6. Though there are specific allegations against the petitioner and recovery of Rs.8,000/- had been effected from him, yet the fact remains that recovery of post-dated cheque had been effected from co-accused Rajesh @ Candy Baba. The petitioner has been in custody for the last more than 02 years and 02 months. The prosecution witnesses are yet to be examined. Trial is unlikely to conclude any time soon. As stated above, co-accused, namely, Sakshi Ahuja, Naresh Dhanda, Paras Jain and Raghubir @ Kala @ Raghubir have since been granted the concession of regular bail. Therefore, no useful purpose would be served by keeping the petitioner behind the bars.

7. In view of the above, without commenting anything on the merits, lest it should prejudice the case of either side, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

8. It is made clear that in case, the petitioner is found to be involved in any other case or absents himself from the court proceedings without any cogent reason, the prosecution would be at liberty to move an application for cancellation of bail.

20.07.2023

parveen kumar

**(HARNARESH SINGH GILL)
JUDGE**

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No