

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-26838-2023 in/and
CRM-M-16475-2023
Date of Decision: 07.07.2023

Sanjay Verma

. . . . Petitioner

Vs.

State of Haryana

. . . . Respondent

CORAM: HON'BLE MR JUSTICE DEEPAK GUPTA

Present: - Mr. S.P. Srivastava, Advocate, for the petitioner.

Mr. Parveen Kumar Aggarwal, DAG, Haryana.

Mr. Anil Kumar Rana, Advocate, for the complainant.

DEEPAK GUPTA, J.

CRM-26838-2023

This is an application seeking permission to place on record certain certified copies of the *zimni* orders passed by the trial Court.

Application is allowed.

CRM-M-16475-2023

This is the second petition filed under Section 439 Cr. PC before this Court by the petitioner seeking regular bail in case FIR No.57 dated 27.01.2022 registered at Police Station NIT, Faridabad under Section 420 IPC and Section 4 read with Section 76 of the Chit Fund Act, 1982.

2. It is contended by Ld. Counsel that the petitioner has been falsely implicated by the complainant Jagjeet Singh Phogat, with whom the petitioner's employer Suraj Mohan Khurana was having business relations and running committees for ease of funds. It is further submitted that after completion of investigation, challan has already been filed; that the

petitioner is in custody for the last more than 9 months and that in view of his long incarceration and innocence, he deserves the concession of bail. Learned counsel has referred to *Arnesh Kumar Vs. State of Bihar* 2014 (8) SCC 273 and *Satender Kumar Antil Vs. Central Bureau of Investigation and another* 2021 (4) RCR (Criminal) 421 to urge that even the Hon'ble Supreme Court has held that object of bail is to secure the attendance of the accused during trial and as the antecedents of the petitioner are clean, so his further incarceration would be contrary to the guidelines of the Hon'ble Supreme Court in the above said cases.

3. Learned counsel further urges that his earlier petition for bail was dismissed by this Court on 12.12.2022 with the observation that allegations against him were serious in nature, though the question of chit fund does not arise in this case.

4. Strongly opposing the bail petition, it is submitted by learned State counsel that after taking into consideration all the facts and circumstances, a Coordinate Bench of this Court had earlier dismissed bail petition of the petitioner vide order dated 12.12.2022 in CRM-M-42084-2022 (Annexure P3). Learned State counsel has further drawn attention towards the various zimni orders placed on file by the petitioner himself so as to contend that petitioner himself is at fault in prolonging the trial by taking unnecessary adjournments. Attention is further drawn towards the fact that while dismissing the earlier petition, it was observed by this court that the petitioner was involved in another case bearing FIR No.164 dated 05.06.2021 registered at Police Station NIT, Faridabad under Sections 120-B, 420, 406 and 506 IPC, wherein he had cheated the complainant and many others by duping them of more than

₹11 crores. Attention is further drawn towards the fact that in that case FIR No.164 dated 05.06.2021, the bail petition of the petitioner has been rejected by this Court vide order dated 13.04.2023 in CRM-M-15922-2023.

5. After considering submissions of both the side, this Court is unable to accept the contentions of learned counsel for the petitioner to grant him bail.

6. Petitioner is alleged to have duped the complainant Jagjeet Singh Phogat of an amount of ₹1 crore 8 lakh by luring him to invest the same in chits. Learned State counsel has rightly drawn attention towards receipt (Annexure R1), which was given by the petitioner himself acknowledging to have received an amount of ₹108 lakh from the petitioner. Besides, petitioner had borrowed an amount of ₹10 lakh from the complainant regarding which he gave a cheque, but the same was dishonoured and regarding which complaint under Section 138 of the Negotiable Instruments Act was filed against him.

7. It has already been observed by this Court, while dismissing the earlier petition for regular bail in CRM-M-42084-2022 that the petitioner was also involved in FIR No.164 dated 05.06.2021 registered at Police Station NIT Faridabad on the allegations of cheating Taranjeet Singh and various other persons by duping them more than ₹11 crores. This Court has already rejected bail petition of the petitioner in that case FIR No.164 dated 05.06.2021 also on 13.04.2023 in CRM-M-15922-2023.

8. It is further to be noted, as is evident from the various zimni orders passed by the trial Court, placed on record by the petitioner himself, that after dismissal of the earlier bail petition, it is the petitioner, who is delaying the trial, inasmuch as when application under Section 190 CrPC

was moved by the complainant to take cognizance against co-accused Kavita Verma and Suraj Mohan Khurana, it is the petitioner Sanjay Verma, who took numerous adjournments for filing the reply. The Said application was ultimately dismissed on 22.02.2023 and matter was adjourned for arguments on charge. Even for that purpose, repeated adjournments were taken by the petitioner through his counsel, thus delaying the trial. Charge was ultimately framed on 11.05.2023.

9. In the light of all the aforesaid circumstances and the nature of allegations against the petitioner coupled with his criminal antecedents, but without commenting on the merits of the case, this Court is not inclined to extend the concession of regular bail to the petitioner. As such, present petition is hereby dismissed.

10. Pending application(s), if any, shall also stands disposed of.

(DEEPAK GUPTA)
JUDGE

07.07.2023

Vivek

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| 1. Whether speaking/reasoned? | Yes/No |
| 2. Whether reportable? | Yes/No |