

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-24627-2020 (O&M)
Date of Decision:-**24.04.2023**

AJAY RAGHAV

... Petitioner

Versus

STATE OF HARYANA

... Respondent

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CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

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Present:- Mr. Bipan Ghai, Senior Advocate with
Mr. Rishab Singh, Advocate
for the petitioner.

Ms. Harpreet Kaur, AAG, Haryana.

Mr. Gautam Dutt, Advocate
for the complainant.

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KARAMJIT SINGH, J. (Oral)

1. The petitioner has approached this Court seeking grant of regular bail
in a case having FIR No.198 dated 24.01.2020 registered under
Sections 406, 420, 120-B IPC and Section 3 of Haryana Protection of

Interest of Depositors in Financial Establishment Act, 2013 at Police Station Shivajit Nagar, District Gurugram.

2. The allegations in brief are that the petitioner was running his business under the name and style of AS Jewellers and he was also running private committee and he was having money transactions with several persons and huge amount belonging to different persons was taken by the accused on the pretext of depositing the same in the said committee but later on he refused to return the said amount and in this manner petitioner cheated and defrauded large number of persons. During investigation the petitioner was arrested on 5.3.2020 and he was granted interim bail for the period from 4.4.2020 to 16.9.2020 and thereafter he surrendered and presently the petitioner is lodged in judicial custody.
3. The counsel for the petitioner submits that the petitioner has been falsely implicated in the present case at the instance of complainant and other persons. The counsel for the petitioner further submits that the custody of the petitioner comes out to be 2 years and 8 months and that trial is not proceeding ahead. The counsel for the petitioner further submits large number of witnesses remain to be examined on behalf of the State and it will take considerable time for the trial to conclude. So prayer is made that the present petition be allowed. In support of his contention the counsel for the petitioner has placed reliance on **Sanjay Chandra vs. SBI, 2011(4) RCR(Criminal) 898 SC**, wherein it was held that in case investigation is completed and

charge-sheet is filed, there is no good reason to detain the accused in jail when trial was likely to take considerable time and there is no serious allegation that the accused if released on bail would interfere with the trial or temper with the evidence.

4. The instant petition is contested by the State counsel as well as the counsel for the complainant both of whom have submitted that the petitioner while running the business of jeweler, cheated and defrauded large number of persons and misappropriated amount of approximately Rs.5 crore. However, the State counsel has not disputed that the fact that the petitioner is in custody for last 2 years and 8 months and that it will take considerable time for the trial to conclude as prosecution has to examine in total 177 witnesses.
5. I have considered the submissions made by counsel for the parties.
6. No doubt the petitioner is named in the FIR and there are serious allegations that he embezzled huge amount belonging to different persons. However, the petitioner is in custody for the last 2 years and 8 months and it will take considerable time for the trial to terminate as till date only 11 witnesses are examined out of total 177 witnesses on behalf of the prosecution. Also there is no apprehension on behalf of the prosecution/complainant that if released on bail the petitioner is going to pressurize the witnesses or would flee from the law.
7. In view of the above, no purpose is going to be served by keeping the accused behind the bars for any longer period. Thus without commenting on the merits of the case, the petition is allowed and the

petitioner is ordered to be released on bail subject to his furnishing
bail and surety bonds to the satisfaction of the trial Court/CJM/Duty
Magistrate concerned.

24.04.2023
Gaurav Sorot

(KARAMJIT SINGH)
JUDGE

Whether reasoned / speaking?	Yes / No
Whether reportable?	Yes / No