

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Sr. No.208

Case No. : CRM-M-28581-2023

Date of Decision : July 27, 2023

Rajpal Suryavanshi

.... Petitioner

vs.

State of Haryana

.... Respondent

CORAM : HON'BLE MR. JUSTICE GURBIR SINGH.

* * *

Present : Mr. Rohit Mittal, Advocate
for the petitioner.

Ms. Nidhi Garg, AAG, Haryana.

Ms. Rosi, Advocate
for the complainant.

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GURBIR SINGH, J. :

1. Prayer in this petition filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in FIR No.748 dated 01.10.2021, under Sections 420, 467, 468, 406, 471 and 120-B IPC, registered at Police Station Camp Palwal, District Palwal.

2. The case in question was registered on the basis of complaint of one Mohit Raj. As per allegations, in the year 2018, petitioner and his wife came in contact of the complainant. The petitioner told the complainant that he could get any person appointed in the Government job. He further stated that he, his wife and sisters were also doing the same work of getting the persons appointed in Government job. The petitioner also disclosed that the petitioner had 10 jobs at that time in IRCTC and he could get any person

appointed for a sum of Rs.7,00,000/-. The complainant then shared the said fact to another person. Thereafter, Rohtash Dagar, Shiv Bhardwaj, Amit Bainsla and Madhu agreed to pay money to the petitioner for getting jobs. The complainant alleged that the petitioner induced him and other persons and a sum of Rs.20,60,000/- was paid to the petitioner but no job was provided to any person.

3. Learned counsel for the petitioner submits that the petitioner is in custody since 28.04.2022. He has not committed any fraud anywhere. The case is triable by the Court of Magistrate. Completion of trial will take a long time as only one witness has yet been examined. Therefore, he prays for grant of bail to the petitioner.

4. Status Report on behalf of respondent-State has been filed, which is ordered to be taken on record. Learned State counsel and learned counsel for the complainant have opposed the bail petition while submitting that co-accused are yet to be arrested. Wife and sisters of the petitioner have already been granted anticipatory bail by a Co-ordinate Bench of this Court. Learned State counsel has further submitted that the petitioner was taken into custody in the present case on 28.04.2022, from his custody in another case, in which he was already arrested and interrogated. During interrogation, the petitioner disclosed names of other accused persons and some of them are yet to be arrested. He also got recovered an amount of Rs.20,000/- out of the cheated amount. It is further submitted by learned State counsel that as per the disclosure statement, the petitioner and victims stayed at different hotels on different occasions, at the behest of the petitioner. The petitioner, along with other co-accused, is running a

syndicate and has cheated a number of persons of Rs.20,60,000/- on the pretext of getting them jobs in Indian Railway Catering and Tourism Corporation (IRCTC). The petitioner is involved in three other cases. Learned State counsel has, however, fairly admitted that the petitioner is in custody since 28.04.2022. The challan in this case was presented on 26.07.2022. Charges were framed on 07.02.2023. Only one witness has yet been examined.

5. Learned counsel for the petitioner has submitted that in FIR No.296/2021, mentioned in the Status Report, petitioner is not named in the FIR. The petitioner is not challaned. Similarly, in case FIR No.310/2021, petitioner is not named in the FIR and is not challaned. Copies of Challans have been placed on the file. FIR No.0201 was registered only on 26.05.2023.

6. Heard.

7. The petitioner is in custody since 28.04.2022. The case is triable by Magistrate. Challan in this case is already presented. Only one witness has been examined even after five months of framing of charge. Pendency of other cases cannot be a ground to decline the concession of bail to a person. Culpability of the petitioner shall be decided during trial of the case.

8. In view of the aforesaid facts and circumstances of the case, since completion of trial will take a long time, no useful purpose would be served by keeping the petitioner behind bars for a long time.

9. Accordingly, without commenting upon the merits of the case, the present petition is allowed and the petitioner is directed to be released on

regular bail, on his furnishing bail bonds/surety bonds, to the satisfaction of learned Chief Judicial Magistrate/Duty Magistrate concerned. The petitioner shall also abide by the following conditions :-

- 1. *The petitioner shall surrender his passport and shall not leave the country without the prior permission of the Trial Court.*
- 2. *The petitioner shall give his mobile number to the Trial Court and get the same registered, on which SMS shall be received from the CIS and shall not change his mobile number during pendency of the case.*
- 3. *The petitioner shall not change his residence without prior intimation to the concerned Police Station and the Trial Court.*
- 4. *The petitioner shall appear before the Trial Court on each and every date of hearing.*

10. The Trial Court is at liberty to impose any other condition that it may deem appropriate. It is further clarified that in case of default of any of the conditions, the concerned Court is competent to cancel the bail granted to the petitioner.

11. However, nothing contained herein above shall be construed as an expression of opinion on the merits of the case.

12. Pending applications, if any, shall stand disposed of along with the present petition.

July 27, 2023
monika

(GURBIR SINGH)
JUDGE

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