

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M No. 38527 of 2023
Reserved on :- 29.11.2023
Pronounced on :02.12.2023

ADITYA ROSE

... Petitioner

Versus

STATE OF HARYANA

... Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY.

Present:- Mr. Robin Singh Hooda, Advocate,
for the petitioner.

Mr. Surender Singh, AAG, Haryana.

Mr. Saurabh Dalal, Advocate for the complainant.

.....

SANJIV BERRY, J. (ORAL)

The instant petition has been preferred by the petitioner under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in the following case :-

FIR No.	Dated	Sections	Police Station
324	17.08.2022	406, 420, 506 IPC (later on 120-B IPC added)	Urban Estate Rohtak, Sampla District Rohtak

2. It is *inter alia* contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in this case due to some business transactions. He submits that although as per the status report police claims that one Deepak had transferred some amount in the account of petitioner but it cannot be interpreted that there had been business transactions from Dog Fram and Stud Farm business as detailed in the para

5 of the petition. He submits that co-accused Hardeep Singh has already been granted concession of anticipatory bail by this Court vide order dated 02.02.2023 in CRM-M-42283 of 2022. He submits that the petitioner is in custody since 21.03.2023 and challan has already been presented against him and as such he prays for grant of bail to the petitioner.

3. Per contra learned State Counsel assisted by learned counsel for respondent-complainant has submitted that petitioner along with co-accused have cheated the complainant of huge amount on the pretext of investing the same in Stud Farm House, and ensured good returns but neither they have invested in Stud Farm nor return the amount but they have admitted the factum of grant of bail to the co-accused Hardeep Singh. It is submitted that the petitioner is also involved in another case FIR No. 145 dated 13.07.2022 under Section 406, 420, 506 and 34 IPC Police Station Bahuakbarpur, District Rohtak and prayed for dismissal of the petition.

4. After considering the rival contentions and perusing the record, it transpires that the instant FIR was registered against the petitioner and other co-accused on the complaint moved by one Mohit claiming that he had given money to the petitioner and Rahul Rose for investing in the business of Stud Farm House, Dry fruits and Dog Farm and accused had promised to repay the amount with interest and neither the amount of complainant has been returned nor any interest thereon has been given. Accordingly the instant FIR was registered. During the course of investigation both the accused Aditya Rose and co-accused Rahul Rose were arrested by police and the petitioner had been arrested on 21.03.2023, challan against the petitioner has already presented in the Court wherein as per the learned

State counsel none of the 33 prosecution witnesses cited have been examined till date. So far as FIR No. 145 dated 13.07.2022 under Section 406, 420, 506 and 34 IPC Police Station Bahuakbarpur, District Rohtak, is concerned the learned counsel for the petitioner pointed out that the said FIR has since been quashed by this Court vide order dated 12.10.2023 passed in *CRM-M-29221 of 2023 titled as Aditya Rose and another vs. State of Haryana and another*. The petitioner being in custody since 21.03.2023 in the present case triable by the Court of Magistrate wherein challan has been presented, no purpose would be served by detaining the petitioner in custody any longer as the conclusion of trial to ascertain criminal liability if any on the petitioner will take sufficient long time.

5. Consequently, without commenting on the merits of the case, it is observed that no purpose would be served in keeping petitioner behind bars. Therefore, the present petition is allowed. The petitioner is ordered to be released on bail, subject to furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court concerned, if not required in any other case; undertaking to regularly appear on each and every date; not to leave the country without prior permission of the Court; and not to tamper with evidence of prosecution in any manner.

6. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

(SANJIV BERRY)
JUDGE

02.12.2023

Gyan

i)	Whether speaking/reasoned?	Yes/No
ii)	Whether reportable?	Yes/No