

CRM-M-39836-2023 -1-

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

(226) CRM-M-39836-2023
Date of decision:- 21.08.2023

Rohit Kumar Sharma ... Petitioner
Versus
State of Haryana ... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Ashish Sindher, Advocate
for the petitioner.

Mr. Ramender Singh Chauhan, AAG, Haryana.
for State-respondent.

SUVIR SEHGAL, J. (ORAL)

1. Instant petition has been filed under Section 439 Cr.P.C. seeking grant of post-arrest bail in:-

FIR No.	Dated	Police Station	Sections
111	15.02.2023	Assandh, District Karnal, Haryana	420 and 406, IPC

2. Version of the prosecution is that a FIR has been registered on the complaint of Punjab Singh on the allegation that Rohit Kumar Sharma, present petitioner, and his wife Ekta, who were working in Noor Academy, being run by him, duped a number of students by persuading them to fill JIC form. Allegation has been levelled that they swindled them of lacs of rupees, which were neither deposited with the Examining Board nor deposited with the Academy.

3. Counsel for the petitioner has argued that the petitioner is an employee of M/s Noor Academy and has been acting on the instructions of the complainant. He submits that the students had deposited the amount in the bank account of M/s LS Enterprises and Pritam Distributors and the petitioner was not entrusted with any money. He contends that a fraud has been committed by the complainant, who is owner of the Academy and the petitioner is being made a scapegoat. Counsel submits that during investigation, it was found that his wife, Ekta, is innocent. Counsel asserts that the petitioner, who has a clean past and is in custody since 14.03.2023, deserves to be enlarged on bail as investigation has been concluded, final report has been presented, charge has been framed and prosecution evidence is underway.

4. *Per contra*, State counsel, upon instructions from SI, Sandeep, while opposing the petition submits that the petitioner has gained an undue financial advantage of approximately Rs.21.60 lacs. By referring to the final report, Annexure P-1, he submits that the prosecution possesses sufficient incriminating material against the petitioner. On the basis of Custody Certificate dated 18.08.2023 filed by him, he submits that the petitioner is named as an accused in a private complaint.

5. Having heard counsel for the parties and considering their respective submissions, this Court is prima facie of the view that the petitioner is entitled to be enlarged on bail as the accusation of financial fraud would be subject matter of debate before the Trial Court. The offences allegedly committed by the petitioner are triable by the Court of a Magistrate. The trial is at a nascent stage and the petitioner is in custody for

the last more than five months, are other factors, which have weighed with this Court while acceding to the prayer made in the petition.

6. Without adverting to the merits or demerits of the arguments addressed by counsel for the parties, petition is allowed. Petitioner is ordered to be released on bail on furnishing adequate bail/surety bonds to the satisfaction of the Area Magistrate/Duty Magistrate/Trial Court concerned.

7. It is clarified that nothing said hereinabove shall be construed to be an expression of opinion on the merits of the case.

(SUVIR SEHGAL)
JUDGE

21.08.2023

Kamal

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No