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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-40421-2023
Date of decision: 24.08.2023

AJAY @ AMIT

...Petitioner

VERSUS

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Mr. Namit Khurana, Advocate
for the petitioner.

Ms. Harpreet Kaur, AAG, Haryana.

Ms. Urvashi Singh, Advocate for
Mr. Vivek Singla, Advocate
for the complainant.

JASGURPREET SINGH PURI, J. (Oral)

1. The present petition has been filed under Section 439 of the Code of Criminal Procedure for the grant of regular bail to the petitioner in FIR No.188 dated 22.05.2023, under Sections 420, 406, 506 and 120-B of the IPC, registered at Police Station Bilaspur, District Yamuna Nagar, Haryana.

2. Learned counsel for the petitioner has submitted that the petitioner is in custody from 12.07.2023. He submitted that although the case is at the investigation stage but in the present case, there is no direct attribution to the petitioner even as per the FIR. It is submitted that as per the allegations in the FIR, the main accused were Rohit and Aakash against whom there are direct

allegations that they had cheated upon the complainant and took a total amount of Rs.42,60,000/- by hypnotizing him and being Tantriks, they would dig the earth from where the treasure was to be taken out. He further submitted that even a perusal of the FIR would show that so far as the present petitioner is concerned, the allegation is only with regard to a conspiracy committed along with the aforesaid co-accused by alleging that the petitioner being a jeweller, from him the authenticity of the gold was to be verified, which allegedly the petitioner had stated that it was a pure gold and not a fake gold. He further submitted that the petitioner is not even a jeweller and has never done any business of jewellery and the present case is planted upon the petitioner in this regard. He further submitted that even the other co-accused, namely, Aakash against whom specific role has been attributed has been granted the concession of anticipatory bail by this Court in CRM-M-29874-2023 on 05.07.2023 vide Annexure P-4. He further submitted that the petitioner is not involved in any other case and has no criminal antecedents.

3. On the other hand, Ms. Harpreet Kaur, AAG, Haryana has submitted that it is correct that the petitioner is in custody from 12.07.2023 and the other co-accused, namely, Aakash has already been extended the benefit of anticipatory bail by this Court vide Annexure P-4 as aforesaid. She further submitted that the petitioner was part of the conspiracy and has also received some amount of money from the aforesaid other co-accused.

4. Learned counsel appearing on behalf of the complainant has submitted that the petitioner was instrumental in committing fraud upon the complainant with a result that he lost Rs.42,60,000/-.

5. I have heard the learned counsel for the parties.

6. In the present case, although the petitioner is in custody from 12.07.2023 but a perusal of the FIR would show that the main allegations are against the other two co-accused, namely, Rohit and Aakash. The role of the petitioner is stated to be that he has conspired with them and being a jeweller, he had stated that the gold was pure whereas it was fake. The aforesaid co-accused, namely, Aakash has already been extended the benefit of anticipatory bail by this Court vide Annexure P-4 as aforesaid. As per learned counsel for the parties, the petitioner is not involved in any other case and has no criminal antecedents. Furthermore, it is not the case of the learned State counsel that in case the petitioner is released on bail, then he may influence any witness or may tamper with evidence or may flee from justice.

7. Therefore, considering the aforesaid totality and circumstances of the case and the nature of allegations levelled qua the present petitioner, this Court deems it fit and proper to grant regular bail to the petitioner.

8. Consequently, the present petition is allowed. The petitioner shall be released on regular bail subject to furnishing bail bonds/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate concerned.

9. However, anything observed hereinabove shall not be treated as an expression of opinion on the merits of the case and is meant for the purpose of deciding the present petition only.

24.08.2023
Chetan Thakur

(JASGURPREET SINGH PURI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No