

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CRM-M-59183-2022

Date of Decision:-05.01.2023

Rashmi Jakhmola.

.....Petitioner.

Versus

State of Haryana.

.....Respondent.

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Mr. Ritesh Aggarwal, Advocate for the Petitioner.

Mr. Neeraj Poswal, Assistant Advocate General, Haryana.

Mr. Deepinder Singh, Advocate for the complainant.

JASJIT SINGH BEDI, J. (ORAL)

The Prayer in this petition is for the grant of regular bail under Section 439 Cr.PC in case FIR No.602 dated 05.10.2021 under Sections 406, 420 and 506 IPC registered at Police Station City Sonipat.

The brief facts of the case are that one Kuldeep son of Mehar Singh filed a complaint stating that he had entered into agreement with one accused Surjit Kohar regarding the stock of stone. As per the said agreement Surjit had promised to give 10% share in his (complainant's) name and 10% in the name of his (complainant's) son-Rahul. Surjit and Ravinder told him that the land of which an agreement had been made with Ricom Company had a storage capacity of one lakh tonne in which sand, gravel, dust etc., could be stored. 75% of the said land was in the name of

Surjit (20% of which has been given to him and his son Rahul in lieu of Rs.3,50,000/-). Despite the agreement and him (complainant) having made the entire payment no business activity took place. On contacting Surjit and Ravinder they along with one Rashmi (petitioner) came to his (complainant's) house and stated that there was hindrances in the work because the land which has a stock permit was allotted in the name of Rashmi Jakhmola for Rs.1,50,00,000/-. They told him (complainant) that he could double or triple his money in 2 or 03 months. After believing the accused including the petitioner, he transferred a further sum of Rs.8,25,000/- for 15% share. A sum of Rs.9 lacs was further transferred into the account of Rashmi Jakhmola (petitioner). Despite this fact he was not being allowed to go to the land and nor was the money being refunded to him. He thus alleged that he had been cheated by Rashmi Jakhmola, Ravinder, Surjit and their partners.

The Counsel for the petitioner contends that a civil dispute between the parties has been given the colour of a criminal dispute. No specific allegations has been levelled against the petitioner. Even otherwise, a sum of Rs.4 lacs has been handed over to the counsel for the complainant by way of a demand draft dated 02.01.2023 and the complainant has no objection if the petitioner is granted the concession of bail.

The Counsel for the State on the other hand does not dispute the fact that a sum of Rs.4 lacs has been handed over by the petitioner to the complainant in court as also the fact that the co-accused Surjit Kohar has been granted the concession of interim anticipatory bail vide order dated 20.07.2022 (Annexure P-2).

The Counsel for the complainant also admits the receipt of Rs.4 lacs by way of said demand draft and states that he has no objection if bail is granted to the petitioner.

I have heard learned Counsel for the parties.

Admittedly the petitioner has handed over a draft of Rs.4 lacs to the complainant in court. A photocopy of the said draft is taken on record as Mark-A. The co-accused of the petitioner has been granted interim anticipatory bail by this court vide order dated 20.07.2022 (Annexure P-2). The petitioner is in custody since 13.09.2022 and is a first time offender. None of the 15 prosecution witnesses have been examined so far and, therefore, the Trial of the present case is not likely to be concluded anytime soon. As such the further incarceration of the petitioner is not required.

Keeping in view the aforementioned facts and without commenting on the merits of the case, the present petition is allowed and the petitioner **Rashmi Jakhmola** wife of Sh. Manoj Jakhmola is ordered to be released on bail subject to the satisfaction of learned CJM/Duty Magistrate, concerned.

Petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

January 05, 2023
Vinay

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>