

2024:PHHC:129727



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-14045-2024
Date of decision: 30.09.2024

RAM NIWASPetitioner

Versus

STATE OF HARYANA ...Respondent

CRM-M-15943-2024

SURESHPetitioner

Versus

STATE OF HARYANA ...Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Nischal Chetanya Manchanda, Advocate
for the petitioners.

Mr. Rajesh Gaur, Addl.A.G., Haryana

KULDEEP TIWARI. J.(Oral)

1. Since both the petitions are arising out of a common FIR, and a common relief of 'regular bail' has been sought therein, therefore, being amenable for common decision, same are taken up together.
2. Through the instant petitions, the petitioners crave for indulgence of this Court for them being enlarged on 'regular bail', in case FIR No.378, dated 08.12.2023, under Sections 406, 420 and 120-B of IPC, registered at Police Station Dadri City, District Charkhi Dadri.
3. The present petitioners were arrested on 11.01.2024, and are facing trial in FIR (*supra*), for the offences which are triable by a Court of Judicial

4. The prosecution agency was set into motion on a numerous complaints made by the residents of village Jhejahir, Tehsil and District Charkhi Dadri, on 07.12.2023, alleging therein, that the business family of that village committed criminal breach of trust, and cheated the entire village.

5. The gist of the allegations in the FIR (*supra*), are that the petitioners alongwith other co-accused, were running a business of a commission agent, regarding sale and purchase of foodgrains, and other connected items, since last more than 30 years. The people of the native village kept on depositing with them crops, after harvesting, and all other savings a safe deposit. The petitioners/accused after collecting money, of amounting more than Rs.12 crores, have all of sudden closed their business, and disappeared by vacating their premises, secretly.

6. In asking for the relief (*supra*), learned counsel for the petitioners submits that the petitioners were infact running a commission agent shop, and the allegations against the present petitioners are vague.

7. He further submits that there is no details with the prosecution that they have duped any native of the village, and no audit of the account has ever been conducted by the investigating agency.

8. He also submits that both the petitioners have suffered incarceration of more than 8 months, as on today, and they have clean antecedent.

9. *Per contra*, the learned State counsel, vociferously opposed the grant of regular bail to the petitioners, and submit that there are serious allegations against them.

10. He further submits that a bare perusal of the FIR (*supra*), reflects that both the petitioners have cheated the innocent villagers/farmers/labourers/

employees for more than Rs.12.00 crores, therefore, they do not deserve the relief of regular bail.

11. He further informs this Court, that in the instant case, there are total 12 accused, who are arraigned in the FIR, and only two accused (present petitioners) are behind bars.

12. He further, on instructions imparted to him by the police official concerned, informs this Court that out of the total 82 prosecution witnesses cited by the prosecution, none has been examined till date, whereas, the charges were framed on dated 08.05.2024.

13. This Court has heard the learned counsel for both the parties concerned, and has gone through the entire case file.

14. Be that as it may be, considering the role of the present petitioners in the instant FIR, and the fact that the petitioners have suffered incarceration of 08 months and 08 days as on today, and the conclusion of trial would take a long time, as out of the total 82 prosecution witnesses, cited by the prosecution agency, none has been examined so far, and further the incarceration of the petitioners, who have clean antecedents, is not warranted, coupled with the fact that all the offences are triable by a court of Judicial Magistrate Ist Class, this Court deems it appropriate to grant the concession of regular bail to the petitioners, during the pendency of trial. Therefore, without commenting upon the merits and circumstances of the present case, the present petitions are **allowed**. The petitioners are ordered to be released on bail, on furnishing of their respective bail bond and surety bond to the satisfaction of concerned Chief Judicial Magistrate/trial Court/Duty Magistrate.

15. However, it is clarified that if in future, the petitioners are found indulging in commission of similar offences, as are involved herein, the

respondent-State shall be at liberty to make an appropriate application seeking cancellation of regular bail, as granted by this Court. Moreover, anything observed here-in-above shall have no effect on the merits of the trial and is meant for deciding the present petitions only.

- 16. All pending application(s), if any, also stand **disposed** of accordingly.
- 17. A photocopy of this order be placed on the file of the connected case.

30.09.2024
dharamvir

(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No