



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

CRM-M-14355-2024

Date of Decision:-09.05.2024

Shriniwash.

.....Petitioner.

Vs.

State of Haryana.

.....Respondent.

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

Present:- Mr. Sourabh Sheoran, Advocate for the Petitioner.

Mr. Kanwar Sanjiv Kumar, Assistant Advocate General,
Haryana.

JASJIT SINGH BEDI, J.(ORAL)

The prayer in this petition under Section 439 Cr.PC is for the grant of regular bail in case FIR No.273 dated 26.07.2022 under Sections 406, 420, 467, 468, 471 IPC registered at Police Station Siwani, district Bhiwani.

2. The present FIR came to be registered at the instance of Pradeep and reads as under:-

“ A complaint From SP Office Bhiwani diary no. 152-PG dated 29.06.2022 and 114-5C Economic Offence Wing Bhiwani dated 29.06.2022 after investigation was received at Police Station which is as under: Respected Superintendent of Police Bhiwani. Subject: Complaint regarding taking money fraudulently on the pretext of Job and taking possession of the real documents. Sir, it is humbly submitted that I Pradeep son of Sh. LiluRam caste Jat is a resident of Village Budhshaili Tehsil Siwani, District Bhiwani and is annexed herewith as Annexure P-peace loving citizen and around 4 months ago I met Sonu son of



DalbirJangra resident of Village Sandwa. He said that you are an unemployed, I will get you a job because I have two friends who get you a job in 7-8 Lakh Rupees. The name of one of them is Mukesh and the name of other one is Sher Singh. His mobile number is 83349-07458 and the name of second is Mukesh and his mobile no. is 96391-68927 and after 10-15 days Sher Singh got my medical examination done at Amp Hospital Delhi and said that you will get job in M.E.S.. Thereafter Sher Singh called me after 10-12 days and said that you come to Srinagar along with your documents and I am already here. I went to Shrinagar and Sher Singh met me there and met there with an employee of M.E.S in Srinagar who told his name as Shakil Ahmed whose phone no. is 9906996344 and whose car registration no. is DL-08-CZ-4579 and his photo is vehicle's File. Shakil Ahmed took my original documents of 10th class, 12th, Computer course Certificate, Army Documents of My father and said that you will get a joining letter, then you come here to Srinagar. Then Sher Singh and I Came home from there. Later Shakeel Ahmed called again that your joining letter has been issued and also sent a photo on the phone to show that I have sent it through Post. I went to Srinagar with the letter and he started taking money and I deposited the money in the following account which is with me as an evidence in the file. Thus Shakeel Ahmed kept at Srinagar for 5-7 days and after that he gave me Posting letter of M.E.S Chandigarh and I came to Chandigarh with the M.E.S Letter. They called this letter as Fake. Therefore it is prayed that these above named persons Sher Singh and Shakeel Ahmed extorted Rs. 4,30,000/- from me and also confiscated my original documents and my Father's Original Army Documents. Legal action be taken against Sonu, Sher Singh, Mukesh and Shakeel Ahmed. It Would be a great Pleasure. Siwani Dated: Sd/- Pradeep."

3. During the course of investigation Shrinivash @ Sher (petitioner) was arrested on 20.11.2023. He got demarcated the place in AIIMS where they got the medical examination of the complainant conducted. He also identified the co-accused Sita Ram son of Gyarsi Ram



(since granted bail vide order dated 19.02.2024 passed by Additional Sessions Judge, Bhiwani).

Sita Ram was arrested and admitted his guilt during the course of investigation and also got recovered his mobile phone.

On 23.11.2023 the petitioner got recovered his mobile phone along with a SIM Card.

On 25.11.2023 petitioner got recovered currency of Rs.3000/-. He identified co-accused Satyapal son of Sher Singh (since granted bail vide order dated 15.02.2024 passed by Additional Sessions Judge, Bhiwani).

3. The Counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. The allegations were vague and non specific. The report under Section 173(2) Cr.PC does not disclose any evidence/medical certificate of the complainant. The allegations of fraud also did not concern the present petitioner. As he was in custody since 20.11.2023 and only 01 of the 14 Pws had been examined so far, the Trial of the present case was not likely to be concluded anytime soon. Therefore, he was entitled to the concession of bail, more so as the case was triable by the court of a Magistrate.

4. The Counsel for the State on the other hand has filed reply by way of affidavit dated 08.05.2024 of Mr. Daljeet Singh, HPS, Deputy Superintendent of Police, Siwani, Bhiwani, Haryana in the court today, which is taken on record. While referring to the said reply, he contends that the petitioner was duly named in the FIR as co-accused. All of them cheated the complainant of a huge amount of money. In addition, the petitioner was a habitual offender with 02 other cases registered against him arising out of FIR No.125 dated 15.04.2023 under Sections 406, 409, 420, 120-B, 467,, 468, 471 IPC, 8(4) H.P.E. Act, 2021 P.S. Sadar Mahendergarh and FIR



No.214 dated 04.06.2013 under Sections 341, 323, 506 IPC P.S. Sadar, Mahendergarh. Therefore, the nature of the allegations levelled against the petitioner along with his criminal antecedents did not entitle him to the grant of bail. He however, concedes that the petitioner is in custody since 20.11.2023, only 01 of the 14 Pws had been examined so far and that the case was triable by the court of a Magistrate.

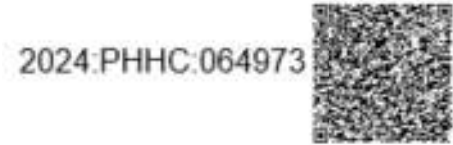
5. I have heard learned Counsel for the parties.

6. This Court in the case *titled as Maninder Sharma Vs. State Tax Officer, State, Mobile Wing, Jalandhar, Punjab* bearing CRM-M-24033-2021(O&M) Decided on 31.08.2022 has held as under:-

“ Therefore, broadly speaking (subject to any statutory restrictions contained in Special Acts), in economic offences involving the IPC or Special Acts or cases triable by Magistrates once the investigation is complete, final report/complaint filed and the triple test is satisfied then denial of bail must be the exception rather than the rule. However, this would not prevent the Court from granting bail even prior to the completion of investigation if the facts so warrant.”

7. The veracity of the prosecution case against the petitioner and his co-accused shall be adjudicated upon during the course of the Trial. Admittedly, the petitioner is in custody since 20.11.2023 but only 01 of the 14 Pws had been examined so far. Two co-accused of the petitioner have been granted the concession of bail. Further nothing significant has been pointed out by the State that the petitioner would abscond from the Trial, tamper with the evidence or influence the witnesses if he is granted the concession of regular bail. Therefore, his further incarceration is not required.

8. Thus without commenting on the merits of the case, the present petition is allowed and the petitioner-**Shriniwash** son of Sh. Munshi Ram is ordered to be released on bail subject to his furnishing bail bonds and surety



bonds to the satisfaction of learned CJM/Duty Magistrate, concerned.

9. The petitioner (or anyone on his behalf) shall prepare an FDR in the sum of Rs.1,00,000/- and deposit the same with the Trial Court. The same would be liable to be forfeited as per law in case of the absence of the petitioner from trial without sufficient cause.

10. The petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

May 01, 2024
Vinay

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