

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM M-20780 of 2024
Date of Decision: 02.05.2024

Vaibhav Kumar ...Petitioner
Versus
State of Haryana ... Respondent

CORAM : HON'BLE MR. JUSTICE N.S.SHEKHAWAT

Present : Mr. Jasvinder Singh Saini, Advocate, for the petitioner.

Mr. Ram Kumar Saini, DAG, Haryana.

N.S.SHEKHAWAT, J. (Oral)

1. The petitioner has filed the present petition under Section 439 Cr.P.C. with a prayer to grant him regular bail in case FIR No. 706 dated 28.08.2022 registered under Sections 406 and 420 of IPC (Sections 467, 468, 471, 474, 477-A, 199, 200, 506, 201 and 120-B of IPC added later on) Police Station Indri, District Karnal.

2. Learned counsel for the petitioner contends that as per the allegations levelled by the complainant, several accused had connived with each other to cheat the complainant and other persons for an amount of Rs. 8/9 crores on the pretext of investment in one internet website M/s TFX Trade Company. 15 persons were named and out of them, 12 accused were found innocent being bonafide investors and the challan was presented only against Lakshay Singhal and Kapil Saini, both the co-accused and the present petitioner. He further contends that co-accused Lakshay Singhal and Kapil Saini

have already been granted the concession of bail in the present case. Learned counsel further contends that in the present case, except the bald allegations of the complainant, no reliable evidence has been collected by the prosecution to prove the formation of fake website of TFX Trading Company and the petitioner had no concern with the said website/Company. Further, the complainant had approached the mother of the petitioner for getting her son released from the custody and she had agreed for compromise. The said amount of Rs. 4.50 lacs was shown as alleged recovery from him. Whereas, the mother of the petitioner is Aanganvari worker in village Praladpur, District Kurukshetra and she had borrowed this amount from Tarshem Singh son of She Ram. He further contends that even though the petitioner was earlier declared as a proclaimed offender, but later on, he surrendered before the trial Court on 27.10.2023 and is in custody since then. He further contends that the petitioner is in custody for the last more than 06 months and all the offences in the present case are triable by the Court of Magistrate. Learned counsel further contends that the prosecution has relied upon 51 witnesses and 04 witnesses have been examined so far. Thus, the custody will not serve any meaningful purpose.

3. On the other hand, learned State counsel submits that the petitioner may flee from the process of justice, in case, the bail is granted to the petitioner by this Court. Earlier also, he evaded the

process of law for a long period and was declared as proclaimed offender.

4. I have heard the learned counsel for the parties and perused the record.

5. In the present case, it has been alleged that the petitioner alongwith others had cheated several persons whereas as per the prosecution, the petitioner had allegedly received only a sum of Rs. 2 lacs from the complainant and other victims. Even, similar allegations were levelled against Lakshay Singhal and Kapil Saini, who have already been granted the concession of bail. Thus, on parity also, the petitioner is entitled to the concession of regular bail. Apart from that, the trial in the present case is at nascent stage and the trial Court may take considerable time in examining all the prosecution witnesses.

6. Without commenting on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail pending trial and on his furnishing bail bonds/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate/Chief Judicial Magistrate.

02.05.2024
amit rana

(N.S.SHEKHAWAT)
JUDGE

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