



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

281

CRM-M No.23006 of 2024
Date of Decision: 31.07.2024

Satish

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Rajesh Goyal, Advocate,
for the petitioner.

Mr. Neeraj Poswal, AAG, Haryana,
for the respondent-State.

MANISHA BATRA, J. (Oral)

1. The present petition has been filed by the petitioner seeking regular bail in FIR mentioned below:-

FIR No.	Dated	Police Station	Sections
42	08.02.2024	Sector 13-17, Panipat, District Panipat	420, 406 and 120-B of IPC

2. Brief facts relevant for the purpose of disposal of the present petition are that the aforementioned FIR was registered on the basis of a written complaint filed by the complainant Deepak Singh alleging therein that in March 2019, he was introduced by his acquaintance Sandeep to the present petitioner and co-accused Narender, Kamal and Dilbag. The petitioner represented to him that Kamal owned a company which was engaged in the business of sale/purchase of lands in several states and

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installed plants over such lands. He also represented that the accused Narender, Dilbag and himself were the employees of the said company floated by accused Kamal and that they were also running an organisation which used to buy lands and earn huge profits by selling the same to big builders. He allured the complainant to invest money in his organization by showing that he would fetch huge amount of profit, if he did so. On being so induced by the petitioner, the complainant borrowed a sum of Rs.12 lakhs from a friend by mortgaging his plot and handed over the said amount of money to the petitioner in cash in September 2019 in the presence of his friend Sandeep. Some months thereafter, the accused Narender told him that the previous transactions qua purchase of land had fallen flat due to some dispute raised by the petitioner and convinced him to invest another amount of Rs.17 lakhs with him by representing that they were going to have a big deal and the previous amount of money given by him would also be adjusted in the said deal. The complainant sold his plot and on asking of the co-accused Narender handed over cash amount of Rs.14 lakhs to accused Dilbag. In this manner, they took a sum of Rs.26 lakhs. However, subsequently they started putting off the matter or by making excuses and neither the money given to the petitioner and co-accused was returned nor transaction regarding purchase of any land was made. When the complainant insisted for refund of his money, the petitioner and the co-accused extended threats to kill his family members and himself. After registration of FIR, investigation proceedings were initiated. The petitioner was arrested on 31.03.2024. He suffered disclosure statement admitting his involvement in

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the subject crime and got recovered an amount of Rs.10,000/- out of the amount taken by him from the complainant. The co-accused Dilbag and Narender filed a petition bearing CRM-M No.20210 of 2024 seeking quashing of the FIR and the proceedings of the FIR have been ordered to be stayed qua them till 03.09.2024. They also paid an amount of Rs.10 lakhs to the complainant. Investigation against the present petitioner has since been completed. Challan stands presented and presently, he is facing trial for commission of aforementioned offences. He had moved an application for grant of regular bail which had been dismissed by the Court of learned Additional Sessions Judge, Panipat vide order dated 23.04.2024.

3. It is argued by learned counsel for the petitioner that he is in custody since 31.03.2024. He has already paid an amount of Rs.10 lakhs to the complainant. A compromise was also arrived at between the complainant and himself on 07.11.2023. Only an amount of Rs.3,50,000/- is outstanding against him. His custodial interrogation is no more required. No useful purpose would be served by detaining him in custody any more. Therefore, it is argued that he deserves to be extended benefit of bail.

4. Status report has been filed by the respondent-State, as per which, the co-accused Narender and Dilbag had returned an amount of Rs.10 lakhs to the complainant. However, the petitioner who hatched a conspiracy with the co-accused and duped an amount of Rs.26 lakhs from him under the guise of joining him in some business and alluring him with massive returns, has failed to return back the money given to him by the complainant. No proof regarding payment of amount of Rs.10 lakhs by him to the

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complainant has been placed on record. He is involved in two more cases of similar nature and has criminal antecedents. There are chances of his absconding or intimidating the witnesses if extended benefit of bail. The allegations against him are serious in nature. Therefore, it is urged that the petition does not deserve to be allowed.

5. I have heard learned counsel for the petitioner as well as learned State counsel at considerable length and have gone through the record.

6. The petitioner in connivance with the co-accused is alleged to have deceived the complainant and cheated him by inducing him to part with a sum of Rs.12 lakhs and then Rs.14 lakhs on the pretext of joining him in some business by representing that such business would fetch huge profits. Though the petitioner is claiming that he has returned a sum of Rs.10 lakhs to the complainant but there is no material on record to show so. Rather as submitted in the status report, an amount of Rs.10 lakhs has been given back by the co-accused to the complainant. The allegations against the petitioner are serious in nature. He has criminal antecedents since as per the custody certificate, two more FIRs of similar nature have been registered against him. The apprehension expressed by the respondent that he may abscond cannot be stated to be unfounded at this stage. The material witnesses are yet to be examined. There is nothing on record to show that there would be any undue delay in conclusion of the trial. As such, keeping in view the nature of the subject offence, the quantum of sentence which the conviction may entail, the antecedents of the petitioner and the attendant facts and circumstances, I am of the opinion that the petition does not deserve to be

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allowed at this stage. Accordingly, the same is dismissed.

7. It is clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

31.07.2024
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(MANISHA BATRA)
JUDGE

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