

CRM-M-24756-2024 (O & M)

2024:PHHC:072015



::1::

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
(235)

CRM-M-24756-2024 (O & M)
Date of decision: 21.05.2024

Pardeep @ Tinu @ Pardeep Singh Petitioner

V/s

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Ms. Monika Khatri, Advocate, for the petitioner.
Mr. Kanwar Sanjiv Kumar, AAG, Haryana.
Mr. Abhimanyu Singh, Advocate, for the complainant.

JASJIT SINGH BEDI, J. (Oral)

The prayer in this petition under Section 439 Cr.P.C. is for the grant of the regular bail to the petitioner in FIR No.33 dated 23.02.2024 under Sections 406, 420, 120-B IPC registered at Police Station Kosli, District Rewari.

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

“To Superintendent of Police, Rewari, District Rewari. Subject: Application for taking legal action against 1. Pardeep @ Tinu M.No. 7468090909, 2. Hardeep @ Monu M.No.8826588597, sons of Khajan Singh, residents of Pana Baithyan, Village and Tehsil Beri, District Jhajjar. 3. Rahul Roz M.No.9812540201 (Ghoda Farm Rohtak), Sir, applicant Sanjay Kumar son of Kedar Singh, residents of Chhithroli, District Mahendergarh submits as under that I am posted as SPO in Haryana Police at Chowki Nahad, District Rewari. That my aunt (bua) is married in Mamran Village Beri, District Jhajjar and due to relative I

CRM-M-24756-2024 (O & M)

2024:PHHC:072015



::2::

had to come and go there. Accused no.1 and 2 are grandsons of my aunt (Bua) and with whom I used to meet and they introduced me with accused no.3 and they told me that he is our nephew (sister's son) and due to which we got along well with each other and above said accused persons came to me several times at Nahad Chowki. That accused persons came to me at Nahad Chowki in the year 2020 and started talking with each other. During this accused Hardeep and Pardeep told me that accused no.3 Rahul Roz and we have a horse farm in partnership by the name of Brother Sted Farm. We earn good money by selling horses from this farm and we also buy and sell horses in foreign countries. I fell into the trap of their well planned conspiracy and sycophancy. Accused told me that the price of each horse is Rs.2-2 or 2.5-2.5 Crores and they are sold at very expensive in foreign countries. They told me that we want to make you a partner in this horse farm and we are in dire need of money. By believing in the soft talks of these culprits and because of my relationship, I deposited Rs.18 Lakhs in their accounts in the year 2020 and 2021 through RTGS and phone pay on 28th September, 2020 from my brother's SBI Bank Account No.30246482843 to Hardeep's account 1 Lakh were transferred through NEFT whose NEFT Number is NEFTINB UR 21750128. Similarly on 29th September another Rs.3 Lakhs was transferred to the same account. Similarly accused no.1 Pardeep @ Tinu said on phone on 12.04.2021 to do RTGS of Rs.10 Lakhs in the account of accused no.3 Rahul Roz, which I did on 13.04.2021 by taking my younger brother's wife Manjeet to Canara Bank Kanina and account No.5048119001905 did RTGS of Rs. 10 Lakhs to Rahul Associates Rohtak whose UTR number is UTRCNRBR5202104136043021, whose bank statement is attached with the application. Apart from this Rs.56 Lakhs was



::3::

given to accused No.1 and 2 Pardeep and Hardeep in cash on different dates and accused no.1 and 2 came to Nahad District Rewari twice in a car Maruti Brezza bearing registration No.HR77C5578 and took away the cash for two and half years. Accused kept telling me that you have become our partner in the farm. I kept giving to them and kept realizing them about Rs.70 Lakhs given by me. When I asked accused to write the partnership deed regarding the money and give a receipt for receiving the money accused kept avoiding it by making some excuse or the other. The thing is that a few days ago I met the accused Pardeep @ Tinu and Hardeep @ Monu and the accused threatened me that if I will go to them then they will kill me. Taking advantage of my trust, accused cheated me and extorted an amount of Rs.70 Lakhs from me. Therefore, by filing an application I request you to take strict legal action against accused and recover my entire amount of Rs.70 Lakhs from them and a case should be registered against them and strict legal action be taken against them. Sir, I shall be highly thankful. Sd/- Sanjay”.

3. The learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. As per the investigation conducted, the petitioner has not received any money in his bank account. Though, the recovery of Rs.14,70,000/- has been shown from the house of the petitioner, there was no evidence to suggest that this recovered amount was connected to the commission of any offence. In fact, the said amount was proceeds of sale of the property of the petitioner. The present FIR had been registered at the instance of the complainant who was posted as SPO in the Haryana Police. As the petitioner was a first-time



::4::

witnesses had been examined so far, the Trial of the present case was not likely to be concluded anytime soon and therefore, he was entitled to the concession of bail, moreso, as the case was triable by the Court of a Magistrate.

4. The learned counsel for the State and the counsel for the complainant, on the other hand, contend that serious allegations had been levelled against the petitioner and his co-accused and therefore, he was not entitled to the concession as prayed for. They, however, concede that the petitioner was a first-time offender, in custody since 23.02.2024, none of the 19 prosecution witnesses had been examined so far and that the case was triable by the Court of a Magistrate.

5. I have heard the 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-M24033-2021(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 during the course of the Trial.

Admittedly, the petitioner is in custody since 23.02.2024 and none of the 19



prosecution witnesses have been examined so far. Therefore, the Trial in the present case is not likely to be concluded anytime soon. The present case is, however, triable by the Court of a Magistrate and no serious apprehension has been expressed by the State that the petitioner would abscond from justice, tamper with the evidence or influence witnesses if granted the concession of bail. Therefore, in this situation, the further incarceration of the petitioner is not required, moreso, when he is a first-time offender.

8. Thus, without commenting upon the merits of the case, the present petition is allowed and the petitioner, namely, Pardeep @ Tinu @ Pardeep Singh is ordered to be released on bail to the satisfaction of the Trial Court/Duty Magistrate concerned.

9. The petitioner shall appear before the police station concerned on the first Monday of every month till the conclusion of the trial and inform in writing each time that he is not involved in any other case except the present one.

10. In addition, 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.

11. The present petition stands disposed of.

May 21, 2024
sukhpreet

(JASJIT SINGH BEDI)
JUDGE

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