



298 IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-30567-2024
Date of decision: 9th July, 2024

Rahul Saini
Versus
State of Haryana
...Petitioner(s)
...Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Mohit Aneja, Advocate for the petitioner.
Mr. Neeraj Poswal, AAG, Haryana.

MANISHA BATRA, J (ORAL):-

The present petition has been filed under Section 438 of Cr.P.C.
seeking anticipatory bail in the FIR mentioned below:-

FIR No.	Dated	Police Station	Sections
41	16.02.2023	Asauda, District Jhajjar	328, 420 and 120-B of IPC, 1860

2. Brief facts of the case relevant for the purpose of disposal of the present petition are that the aforementioned FIR was registered on the basis of a written complaint submitted by the complainant Vijender on 16.02.2023 alleging therein that about three months back, the accused Dharambir who was already known to him came to his house along with the present petitioner Rahul Saini and two more persons introduced to him as Gulab and Mr. Sharma. They disclosed to the complainant that some businessman



belonging to Gujarat was interested to buy a huge chunk of land in the vicinity wherein the complainant was residing and if he knew about any such land, he could inform them. Some days thereafter, the petitioner called him on his phone and made inquiries about such land. As in the meanwhile, the complainant had come to know that four acres of land abutting the main road of his village was for sale, therefore, he apprised about this fact to the petitioner Rahul Saini. Then the petitioner and above named Mr. Sharma got him introduced with co-accused Rajesh Gupta, who on meeting him introduced himself as CEO of some big company and represented to him that owner of his company was interested to buy some land worth crores of rupees and he along with Rahul Saini was firstly going to purchase such land and then sell the same to owner of his company on higher prices. He offered the complainant to join them for purchasing such land by inducing him that the same would fetch huge profit. On being so allured, the complainant accepted the offer. Thereafter, the accused Rajesh Gupta told him to make arrangement for money for purchase of land. He arranged a sum of Rs. 17,26,000/-. He further alleged that on 07.08.2022, the petitioner picked him up in his swift car from Rohtak and took him to Kurukshetra, where the abovesaid amount was taken from him by the accused Rajesh Gupta and he told the complainant that still there was shortage of money for buying land, therefore, he should make arrangement for some more money. On 10.08.2022, the complainant arranged another sum of Rs. 2,50,000/- and went to Panipat as per asking of the petitioner and co-accused who took him to Haridwar, wherein they made him meet a person who was introduced by



them as Abhishek Mittal, owner of the company, wherein Rajesh Gupta was working. Then they took him to a hotel in Dehradun. He was offered some drink and then was made to play a betting game. The complainant was made to put the amount of Rs. 2,50,000/- on bet. As he had lost the game, the said amount was taken from him forcibly and then after securing his signatures on plain paper and extending threats to assault him, they made him flee from that place. While alleging that the petitioner and co-accused had induced him to part with a sum of Rs. 19,76,000/- and had cheated him by causing wrongful loss to him and had also made him consume some intoxicating substance on 10.08.2022, the complainant prayed for taking action against the culprits. After registration of FIR, investigation proceedings have been initiated and are under way. The petitioner had moved an application for grant of pre-arrest bail which has been dismissed by the Court of learned Sessions Judge, Jhajjar vide order dated 03.06.2024.

3. The present petition has been filed by the petitioner on the grounds and it is argued by his counsel that he has been falsely implicated in this case. There is a delay of 58 days in reporting the matter to the police. False and frivolous allegations have been levelled against the petitioner. The name of the hotel, wherein he was taken by the petitioner and was made to consume some cold drink administered with some intoxicating substance has not been disclosed in the FIR. There is no medical evidence to prove the commission of offence under Section 328 of IPC as against the petitioner. There is also no material on record to show that the petitioner had taken any money from the complainant, even as per the allegations in the FIR, the



complainant had given an amount of Rs. 17,26,000/- to co-accused Rajesh Gupta and not to him. It is submitted that no recovery is to be effected from the petitioner. His custodial interrogation is not required. No useful purpose would be served by detaining him in custody. Therefore, it is argued that he deserves to be extended benefit of pre-arrest bail.

4. Status report has been filed by respondent-State. Learned State counsel has vehemently argued that the allegations against the petitioner are serious in nature. The supplementary statement of the complainant and some witnesses have been recorded during the course of investigation, which show the transaction of money having taken place on behest of the present petitioner. The call details records of the petitioner and complainant have also been collected which show that the petitioner had been in continuous touch with the complainant during the relevant time. Infact, it was the petitioner who was the kingpin of the conspiracy hatched amongst the co-accused and himself and had induced the complainant to part with a huge amount of money. His custodial interrogation is required for the purpose of unearthing the details and manner in which the offence was committed as well as for effecting recovery and thorough investigation of the matter. Even otherwise no extra ordinary circumstance has been made out for extending benefit of pre-arrest bail. 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 carefully.



6. The petitioner by hatching a conspiracy with the co-accused is alleged to have induced the complainant to join them for purchase of a piece of land by representing that the same would fetch huge profits if sold to the owner of the company wherein the co-accused Rajesh Gupta was allegedly working and is further alleged to have made him part with an amount of Rs. 17,26,000/- on 07.08.2022. As per the allegations, it was he who on his swift vehicle bearing registration No. HR -06Y-1401 had taken the complainant to some hotel at Kurukshetra and made him meet co-accused Rajesh Gupta who had taken the aforementioned amount from him and further it was he who had taken the complainant to Haridwar and then to Dehradun on 10.08.2022 in conspiracy with the co-accused and by administering some stupefying substance, had made him part with another amount of Rs. 2,50,000/- and had procured his signatures on some blank papers. It is well settled proposition of law that while deciding an application for grant of anticipatory bail, the nature and gravity of the accusation, the part played by the accused, the possibility of his fleeing from justice or likelihood to repeat similar offence or other offences as well as the apprehension of the accused tampering with the evidence or extending threat to the complainant must be considered. The allegations against the petitioner are specific and serious in nature. It is well settled that custodial interrogation of a suspected person is qualitatively more elicitation oriented than questioning a suspect who is well ensconced with a favourable order under Section 438 of Cr.P.C. Many useful information can be disinterred during custodial interrogation. It is also a matter of discretion to grant or not to grant pre-arrest bail. Keeping in view



the nature of the subject offences and the role attributed to the petitioner and for the purpose of eliciting the truth, I am of the considered opinion that the custodial interrogation of the petitioner is certainly required. Therefore, no ground has been made out for extending benefit of bail. Accordingly, the petition stands dismissed.

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

8. Since the main petition has been dismissed, pending application, if any, is rendered infructuous.

[MANISHA BATRA]
JUDGE

9th July, 2024
Parveen Sharma

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| 1. Whether speaking/ reasoned | : | Yes / No |
| 2. Whether reportable | : | Yes / No |