



CRM-M-32257-2024

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Sr. No.218**Case No. : CRM-M-32257-2024****Date of Decision : August 07, 2024**

Rajender Singh @ Raj Singh

.... Petitioner

vs.

State of Punjab

.... Respondent

CORAM : HON'BLE MR. JUSTICE GURBIR SINGH.

* * *

Present : Mr. Dharam Bir Bhargav, Advocate,
Mr. Kulwinder Bhargav, Advocate,
Mr. Sagar Bathla, Advocate and
Mr. Jashandeep Singh Bains, Advocate
for the petitioner.

Mr. Rajinder Singh Bhatta, DAG, Punjab.

Mr. Karanjeet Singh Brar, Advocate
for the complainant.

* * *

GURBIR SINGH, J. :

1. Prayer in this petition filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in FIR No.0038 dated 13.01.2022, under Sections 406, 420, 506, 120-B IPC, registered at Police Station Sohana, District SAS Nagar (Mohali).

2. The case of the prosecution, in brief, is that a complaint was made by one Ashok Kumar against co-accused Rajender Kumar that he persuaded the complainant to work together and that they would expand their business of property dealer. On 2-3 occasions, he took a sum of Rs.1 lakh and returned the same by adding Rs.20,000/- as profit. He also told the

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complainant that the said amount was invested in the property business and the added amount was profit from the said investment. In this manner, he gained confidence of the complainant. Thereafter, on the pretext of purchasing a kothi, the complainant gave him Rs.50 lakhs in cash on 13.09.2021 in the presence of witnesses. The co-accused was accompanied by one turbaned man, whose name he did not know but could identify him. Thereafter, the co-accused did not come to the complainant's office for many days. In this way, fraud was played with complainant and he was cheated. The case in question was registered against Rajender Kumar (co-accused), Harpreet Singh and Sampuran Singh.

3. Status Report on behalf of respondent-State along with Custody Certificate of the petitioner, has been produced in the Court today, which is ordered to be placed on record. It has been submitted in the Status Report that co-accused Rajender Kumar was arrested in the present case on 02.02.2022. As per his disclosure statement, petitioner Rajender Singh @ Raj Singh were nominated as accused in the present case.

4. Learned counsel for the petitioner has argued that the petitioner was neither present with the co-accused nor named in the FIR. He has no role to play in the transaction between the complainant and co-accused. The petitioner was arrested after two years of registration of FIR in question and is in custody since 29.04.2024. The challan is already presented. The main accused Rajender Kumar has already been granted bail by this Court. So, the petitioner be also released on bail.

5. Learned State counsel, accompanied by learned counsel for the



complainant, has submitted that the petitioner is involved in three other cases of similar nature. He was accompanied by co-accused Rajender Kumar, when amount of Rs.50 lakhs was paid by the complainant. So, the petitioner does not deserve concession of bail.

6. Heard.
7. The petitioner has been nominated on the basis of disclosure statement of co-accused Rajender Kumar, his name-sake. As per the FIR, the amount was paid to the co-accused and not to the petitioner. As per Custody Certificate, the petitioner is in custody since 29.04.2024. The challan in this case has already been presented. Culpability of the petitioner would be decided during trial of the case.
8. Accordingly, without commenting upon the merits of the case, the present petition is allowed and the petitioner is directed to be released on regular bail, on his furnishing bail bonds/surety bonds, to the satisfaction of learned Trial Court/Duty Magistrate concerned.
9. Nothing contained herein above shall be construed as an expression of opinion on the merits of the case.
10. Pending applications, if any, shall stand disposed of along with this judgment.

August 07, 2024
monika

(GURBIR SINGH)
JUDGE

Whether speaking/reasoned ?	Yes/No.
Whether reportable ?	Yes/No.