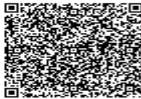


2024:PHHC:118300



**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

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**CRM M-34186 of 2024
Date of Decision: 04.09.2024**

Karan Luthra		...Petitioner
	Versus	
State of Haryana		... Respondent

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

Present : Mr. Harmanjit Singh, Advocate with
Mr. Yoginder Singh Rana, Advocate
for the petitioner.

Ms. Sheenu Sura, DAG, Haryana.

Mr. Sagar Agnihotri, Advocate, for the complainant.
(through VC).

N.S.SHEKHAWAT, J. (Oral)

1. The petitioner has filed the instant petition under Section 439 of the Cr.P.C. with a prayer to grant a regular bail in case FIR No.19 dated 15.01.2024 registered under Sections 420, 408 and 120-B IPC (Section 201 IPC added later on) at Police Station SGM Nagar, Faridabad.
2. Learned counsel for the petitioner contends that the petitioner was associated with the business of complainant's mother and has been wrongly arrayed as an accused in the present case. He further contends that the complaint was initially moved to the police

on 28.06.2023, which led to holding of a preliminary inquiry by the police. During the inquiry, the petitioner repeatedly joined the inquiry and explained the business transactions to them. However, the inquiry report wrongly indicted the petitioner and the complaint was wrongly converted into the FIR. He further contends that even otherwise, the entire affairs of M/s Singh Liquor were subjected to audits regularly and no such objections were pointed out by anyone. Even, this material aspect of the matter was completely overlooked by the police while registering the FIR. Still further, the petitioner had raised objections to several illegal activities conducted by the brother of the complainant and ultimately, 04 FIRs were registered against the complainant, her brother and petitioner. Learned counsel for the petitioner contends that even from the allegations levelled in the FIR in the present case, the case can be construed at the most as a matter of rendition of account between the parties and the FIR was not at all maintainable in the eyes of law. Still further, the petitioner appeared during the course of inquiry, as well as during investigation and all the documentary evidence was handed over to the police. He further contends that except the FIRs, relating to the business transactions between the complainant side and the petitioner, no other criminal case was ever registered against the petitioner and he has clean antecedents. In the present case, the petitioner was arrested on 17.03.2024 and after completion of the investigation, the challan has

already been presented before the Court of Area Magistrate. In the final report, the prosecution has relied upon the statements of 18 witnesses, but the trial is at the nascent stage and there are no chances of early conclusion of the trial.

3. On the other hand, learned State counsel as well as learned counsel for the complainant have vehemently opposed the submissions made by the learned counsel for the petitioner on the ground that the petitioner has cheated the complainant to the tune of crores of rupees. Even, the petitioner is the main accused in the present case and keeping in view the nature and gravity of the accusations, the present petition is liable to be dismissed by this Court.

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

5. In the present case, it has been alleged that the complainant side and the petitioner had started several businesses at different places. However, the petitioner had allegedly suffered loss and had also siphoned off a huge amount from various firms of the complainant and her brother. Even, during the course of preliminary inquiry and investigation, the petitioner was associated in the process of investigation and both sides had handed over the documentary evidence to the police. Apart from that, the petitioner is in custody in

the present case since 17.03.2024 and the investigation has already been completed by the police. Moreover, in the present case, all the offences are triable by the Court of Magistrate and the petitioner cannot be confined in jail as an under-trial prisoner for an indefinite period.

6. In view of the above, without commenting any further on the merits, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate/CJM concerned subject to the following conditions:-

(i) The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, so as to dissuade him to disclose such facts to the Court or to any other authority.

(ii) The petitioner shall remain present before the Court on the dates fixed for hearing of the case.

(iii) The petitioner shall not absent himself from the Court proceedings except on the prior permission of the Court concerned.

(iv) The petitioner shall surrender his passport, if any, (if already not surrendered), and in case he is not holder of the same, he shall swear an affidavit to that effect.

(v) The petitioner shall also file his affidavit before the concerned Court, mentioning his ordinary place of residence and number of mobile phone, which shall be

used by him during the pendency of the trial. In case of change of place of residence/mobile number, he shall share the details with the concerned Court/learned Trial Court.

(vi) In case, the petitioner gets involved in any other criminal activity, during the pendency of the trial, it shall be viewed seriously and the prosecution shall be at liberty to move an appropriate application for cancellation of bail granted to the present petitioner.

(vii) The concerned Court may insist two heavy local surties and may also impose any other condition, in accordance with law, while accepting the bails bonds and surety bonds of the petitioner.

(viii) The petitioner shall report every 1st and 3rd Monday in English calander month before the concerned SHO till the conclusion of the trial and SHO shall mark his presence by making an entry in the Rojnamcha. In case, he does not report on every 1st and 3rd Monday before the concerned SHO, it shall be viewed seriously and the concession granted to him shall be liable to be cancelled and the State of Haryana shall be at liberty to move an appropriate application in this regard.

04.09.2024
amit rana

(N.S.SHEKHAWAT)
JUDGE

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