



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

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CRM-M-43731-2024

Date of decision: 02.12.2024

Amit Khasa

....Petitioner

V/s

State of Haryana

....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr.Varun Veer Chauhan, Advocate, for the petitioner.

Mr. Yuvraj Shandilya, AAG, Haryana.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 439 of the Cr.P.C. in case FIR No.43 dated 10.02.2024 under Sections 406 and 420 of the IPC registered at Police Station Guhla, District Kaithal.

2. Learned counsel for the petitioner submits that in a magisterial trial, the petitioner has been in custody since 03.07.2024. A prayer has, therefore, been made to extend the concession of bail to the petitioner as the investigation in the present case is complete and even charges stand framed. Hence, there is no likelihood of the petitioner tampering with evidence coupled with the fact that trial would take considerable time to conclude in view of as many as 10 prosecution witnesses having been cited, who are yet to be examined.

3. Per contra, learned State counsel while opposing the prayer and submissions made by the counsel opposite, on instructions, has not disputed the custody period of the petitioner nor has he disputed the stage



of trial. However, learned State counsel has drawn the attention of this Court to the allegations levelled in the FIR which has been annexed as Annexure P-1 and are being reproduced herein-under:

*“One complaint no.8 Peshi dated 02.01.2024, received in the office of Superintendent of Police, Kaithal from complainant Rishipal Sharma S/o Atma Ram R/o village Ramthali, in Economic Offences Investigation Wing from post office which is as follows- to respected Superintendent of Police, Kaithal. Subject: Application for taking action against Shakarpuri Guru Kamalpuri R/o Raipur Rani, Tehsil and District Ambala for committing fraud. Sir it is submitted that I Rishipal Sharma S/o Atma Ram am a permanent resident of village Ramthali, tehsil Guhla, District Kaithal. That the above named accused is the mahant in my village temple and used to come frequently to the temple. There the mahant told me that he does the work of sending people abroad and that I have an agent. Whose name is **Amit Kumar Khasa**. So the baba took me to the agent then it was decided that my son Rahul will be sent to America for an amount of Rs.28 lakhs. A few days later I gave Rs.1.5 lakh as advance to the mahant. After that after taking Rs.17 lakh my son was sent from Delhi to Turkey and after that my son spent his own money and came back to India from Turkey and when I demanded my money back from the above named accused then he refused to pay me back and told me to do whatever I wished to do and threatened to kill me and get me involved in a false case. And he told me to do whatever I want to do as even the police and authorities cannot harm me. Therefore, you are requested to take strict action against the accused for committing fraud upon me like this and taking money from me and get me my money back. I shall be highly grateful. Dated 02.01.2024. Sd/-”*

Learned State counsel has submitted that the co-accused of the petitioner had lured the complainant to part with huge amount of money on the pretext of sending his son to U.S.A. and thereafter the complainant had



credited Rs.9,10,000/- into the bank account of none other than the petitioner-accused. It has also been submitted by the learned State counsel that the petitioner is also involved in one other criminal case of similar nature.

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

5. The petitioner has been in custody since 03.07.2024. The investigation in the present case is complete and prosecution evidence is underway. The possibility of the trial concluding in the near future seems unlikely. Hence, this Court deems it fit to extend the concession of bail to the petitioner *moreso* when the allegations levelled against the petitioner are based on documentary evidence which is already part of the challan.

6. Accordingly, the instant petition is allowed and the petitioner be admitted to bail on his furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

7. Needless to add, in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the same.

(MANJARI NEHRU KAUL)
JUDGE

December 02, 2024

poonam

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No