

SHYAM SUNDER BHATIA

... Petitioner

Versus

STATE OF HARYANA

... Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY.

Present:- Mr. Ram Kumar Saini, Advocate for the petitioner.

Mr. Ramender Singh Chauhan, AAG, Haryana.

SANJIV BERRY, J.(ORAL)

Learned State counsel has filed custody certificate dated 13.11.2024, the same is taken on record, copy thereof, has been supplied to the counsel opposite.

2. The instant petition has been preferred by the petitioner under Section 483 of the Bhartiya Nagarik Suraksha Sanhita, (BNSS) for grant of regular bail in the following case (Annexure P-1):-

FIR No.	Dated	Sections	Police Station
02	01.01.2024	406, 420 IPC (added later on 109, 114, 120-B, 417, 418, 465, 467, 468, 471, 34, 35 IPC) and 3,4,5,6 of the Prize Chits and Money Circulation Schemes (Banning) Act, 1978 and Section 3 of the Haryana Protection of Interest of Depositors in Financial Establishment Act, 2013.	Civil Lines, Sirsa, District Sirsa

3. Arguments heard.



4. It is *inter alia* contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in this case. He contends that the allegations in the complaint are against the firm M/s Vision Market Company of having duped the complainant. The petitioner is not having concern with the said Company and has referred to (Annexure P-2) Registration Certificate dated 27.04.2021. He contends that the petitioner has been falsely implicated in this case and is in custody since 16.06.2024 and after completion of investigation challan has already been presented in Court. Hence he prays for grant of concession of bail to the petitioner.

5. *Per contra*, learned State counsel referring to the reply submitted by the State has opposed the bail application by submitting that the petitioner in connivance with the other co-accused had been the promoters of the aforesaid firm and have duped the complainant by taking money from him, as such he is not entitled for concession of bail. However, he has admitted that the challan has already been presented in Court wherein 28 witnesses have been cited by the prosecution and till date none of the them have been examined.

6. After considering the rival contentions and perusing the record, it transpires that the instant FIR was registered on the complaint moved by Lakhvir Singh that after watching the programme of M/s Vision Market Company he had invested money on the assurance of getting it back in double. He had also invested in the name of his relatives but received nothing in return. He went to the office of the aforesaid firm but to no avail, hence the FIR.

7. It is evident from the perusal of Annexure P-2 that the firm M/s

Vision Market Company is registered in the name of Subhash Chander. Admittedly the petitioner is not the owner of the said firm nor he was named in the FIR but has been nominated on the disclosure statement of co-accused Subhash Chander as a Promoter of the Company. Accordingly the petitioner was arrested on 16.06.2024 and recovery of ₹40,000/- has been effected from him, since then he is in judicial custody. There is nothing on record at this stage to suggest that it was the petitioner who had duped the complainant in any manner. After completion of investigation, challan has already been presented in court, meaning thereby that the petitioner is not required for further investigation. Moreover, 28 witnesses have been cited by the prosecution and examination thereof for the conclusion of the trial will take sufficient long time in case triable by the Court of Magistrate.

8. In these circumstances, without commenting on the merits of the case, it is observed that no purpose would be served by keeping petitioner behind bars. Therefore, the present petition is allowed. The petitioner is ordered to be released on bail subject to furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court concerned, if not required in any other case; undertaking to regularly appear on each and every date; not to leave the country without prior permission of the Court; and not to tamper with evidence of prosecution in any manner.

9. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

(SANJIV BERRY)
JUDGE

14.11.2024

Gyan	i)	Whether speaking/reasoned?	Yes/No
	ii)	Whether reportable?	Yes/No