



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

(229)

**CRM-M-45728 of 2023
Date of Decision: 28.11.2024**

Jitender @ Kala

.....Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. M. S. Dalal, Advocate, for the petitioner.

Mr. Rahul Mohan, Sr. DAG, Haryana.

MANJARI NEHRU KAUL, J.(ORAL)

1. The petitioner is seeking the concession of bail pending trial under Section 483 of the BNSS/ 439 Cr.P.C. in case FIR No.102 dated 24.01.2019 under Sections 406, 420, 120-B IPC, registered at P. S. Sadar Karnal, District Karnal.
2. Learned counsel for the petitioner submits that vide order dated 31.01.2024, the petitioner was extended the concession of interim bail by the Co-ordinate Bench of this Court on account of inordinate delay in the conclusion of the trial. It has been submitted that when the petitioner was extended the concession of interim bail by Co-ordinate Bench of this Court, he had already been in custody for 5 years, having been arrested on 31.01.2019. It has been further argued by the learned counsel for the petitioner that even thereafter, the trial had not concluded as only 2 prosecution witnesses out of the 19 cited have been examined till date, hence, the possibility of the trial concluding in the near future did not arise. It has still further been asserted by



learned counsel for the petitioner that after the petitioner was enlarged on interim bail vide order dated 31.01.2024, the petitioner has not been involved in any other criminal case nor had he misused the said concession. A prayer has therefore been made for making the order dated 31.01.2024 absolute.

3. *Per contra*, learned State counsel while opposing the prayer and submissions made by the counsel opposite has not disputed the stage of trial nor has it been disputed that after the petitioner was extended the concession of interim bail on 31.01.2024, he had not misused the said concession or had been involved in any other criminal case. However, learned State counsel has submitted that the petitioner is involved in 9 more cases of identical nature wherein he along with the co-accused had cheated numerous persons of different sums of money.

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

5. The petitioner was initially arrested on 31.01.2019 pursuant to the FIR in question registered against him which stands reproduced hereunder:

“The copy of the complaint is like that "To the Superintendent of Police, Karnal. Sub: Application to take action against 1.Sonu Dhanda, 2.Naresh Dhanda, residents of village Kultaran, 3.Raghubir @ Kala resident of village Manas, 4.Jitender @Kala resident of Pai, 5. Rajesh @ K.D.Baba 6.Sakshi resident of Ambala.

Sir, it is submitted as under that:

1. That applicant is a peace loving and law abiding citizen and permanent resident of village Panchkula and running the



business of boutique in Panchkula and also having business of property dealing.

2. That in April, 2018, the applicant met with accused no. 3 Raghubir, who told him that he is doing business of Bajri crusher and he also has business of Cable T.V. in Karnal and now he has started business of Gold by taking license of Import and Export. He also told that there is big profit in this business, because he import gold direct from abroad and there is no intermediate between therefore, we got gold very cheap rate and allured the applicant and said that you do not worry and like this, many times, met to the applicant, allured to invest in this work and started saying that we will give you one Kilograms of gold in Rs 27 Lakh and on one Kg of gold, you will benefit of 3 to 4 Lakh rupees. You cannot earn 3-4 Lakh rupees in any business and like this, after pressuring again and again the applicant entrapped in his plan. The applicant gave 27 Lakh rupees to the accused no. 3 and accused no. 3 assured to supply gold in one month and left with money and at that time he was accompanied with one more person. To whom, applicant can identify on seeing him.

3. That on 20.05.2018 accused No.3 came to the applicant on his Bolero car bearing No. HR-08-Q- 2484 and said that come with me, your goods has arrived but we have to go to Kaithal. We will deliver you there. On which applicant alongwith accused No.3 on his car HR08Q2484 arrived in house in Colony at Chhotu Ram Chowk on Karnal Road, at Kaithal. Where accused No.4 was present. Who asked his mother and bring a plate of gold and handover to the applicant. The accused No.3 after giving one Kg Gold plate, the accused No. 3 took the applicant to Karnal in a house and started saying that if you want to sell it then I can arrange a purchaser. On the affirmation of the applicant he telephoned someone and said him to come along with Vaid, one Kg would sale to Bhai Saab. After half an hour, accused No.2 brought a man to whom the accused No. 2 & 3 were calling Vaid



Saab and took the gold plate from the applicant and gave it to him, after about one and half hour, he came back and give Rs 31.50 lakh to the applicant. Then accused No.3 drop the applicant back to his house at Panchkula. Next day in the morning, again accused No. 2 and 3 came to the applicant at his house and allured him to get profit again. On which the applicant get ready. In this way accused No. 2, 3, 4 supplied gold three times to the applicant, one kg each time, and they themselves got the same sold and gave the money to the applicant.

4. That on August, 2018, accused No. 3 and 4 came back to the applicant and said that how long will play in one Kg, now order for 5-10 Kg then we will enjoy and you too. But the applicant said he is unable to arrange such a huge amount. Then accused told the applicant that they will took him to their Chief and will get reduced the rate., you may not worry and money will be arranged by raising demand from friends and relations, it is the game of one month, will get handsome profit in one month, you had already seen thrice and there is no fraud in it. After hearing that the applicant again entrapped in their plan and accused No. 3 and 4 took the applicant in Vivan Hotel, arranged the meeting with accused no. 1 and 5. The accused No. 1 and 5 had wearing the gold rings and chains, who came in new fortuner car of white colour with temporary number and appearing reach. The accused No. 1 and 5 allured the applicant that if you order for 10 Kg gold then we will give you gold @ of Rs 22 Lakh per Kg and supply in 10 to 12 days. On which, the applicant came in their plan and asked time to 5-7 days to arrange money. The applicant on return to Panchkula, after arranging money from friends and relations contracted accused Raghubir and told him that he has one Crore and 30 Lakh rupees, then he replied that rate is for 10 Kg. If your money is less then I have to talk to Sonu Bhai. Then he talked to accused No. 1 and 5 by going aside and after some time he told that he had talk to them and said that with you same rate will be done. But you arrange Rs 2 Lakh more so that accounts would be



of six Kg and told that to reach at Karnal alongwith money. Hence, on the asking of accused, handed over one Crore 32 Lakh rupees to the accused No. 1 and 5 on 30.08:2018 in Karnal. In which Lakh rupees was arranged from a friend in Karnal and before him, money was handed over to the accused and at that time accused No. 2, 3, 4 were also present. Then all the accused assured the applicant that in 10-12 days will deliver you six Kg gold to you, but after the lapse of 15 days the accused person had not contacted the applicant. Then applicant contacted the accused No.3-Raghubir. He started dilly dolling the matter on the pretext that some problem is persisting. You do not worry; your work will be done very soon. And in the same manner, accused had passed 2-3 months. But on December, 2018 when applicant threaten the accused No. 3 either to return my money or I will file complaint against them. On which the accused No. 2 and 3 took the applicant in house of accused No.5 at Colony at Ambala on Naraingarh Road, where the accused No. 5 was present and the accused No. 5 introduced the accused No.6 that she is my wife Sakshi, you do not worry. Your work will be done in 2-4 days. Then accused No. 3 told the applicant to take the gold from Karnal after 4 days. When after 4 days, the applicant went to Karnal on the address told by the accused at that time, the accused No. 6 was already present there, who told the applicant that your goods is coming in 10-15 minutes, you may wait. After about 20 minutes accused No.1 to 5 came there and on his coming accused No. 6 torn her clothes and started crying and weeping and starts saying to the accused No. 1 to 5 that the applicant was doing forcible act with her, upon which the accused No. 1 to 5 started beating the applicant with slaps and blows and then all the accused threatened the applicant if you try to demand money from them then they will implicate him in rape case. During this the accused No. 1 also shot a video. In which accused No. 6 by tearing her clothes and crying and weeping and leveling false allegations on the applicant. Then after this



incident and after getting threats of the accused the applicant remain mum.

5. That now from the newspaper and from his friends the applicant came to know that the accused has gang and they have played fraud with many persons and many cases have been lodged against them. Therefore, it is prayed that in view of above said facts, appropriate legal action be taken against them and money of the applicant may be got returned and life and property of the applicant be protected. Thanking you; Kaithal 22.10.2019 Applicant-Parminster Singh sd/-."

6. Thereafter, since the trial had been proceeding at a very slow pace, the petitioner was granted the concession of interim bail vide order dated 31.01.2024 passed by a Co-ordinate Bench. All the offences for which the petitioner has been charged are triable by Magistrate and the trial as not disputed by learned State counsel, has been under way for almost 6 years and with no possibility of its conclusion in the foreseeable future.

7. In the facts and circumstances as enumerated hereinabove, this Court deems it appropriate to make the interim order dated 31.01.2024 absolute. Ordered accordingly. 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.

8. 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.

28.11.2024
anil

(MANJARI NEHRU KAUL)
JUDGE