

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-47411-2024
Reserved on: 16.10.2024
Pronounced on: 28.10.2024

Jaspreet Singh ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Parminder Singh, Advocate
for the petitioner.

Mr. Vishal Kashyap, DAG, Haryana.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
170	29.04.2024	Ladwa, District Kurukshetra	406/420/120-B IPC

1. The petitioner incarcerated in the FIR captioned above had come up before this Court under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking regular bail.
2. In paragraph 11 of the bail petition, the accused declares that he has no criminal antecedents.
3. The facts and allegations are being taken from the reply filed by the State, which reads as follows:

“2. That the present case has been registered on the complaint of Karampal son of Sh. Mani Ram resident of Village Cheeka, Tehsil Guhla, District Kaithal and contents of the complaint are reproduced as under for kind perusal of this Hon'ble Court.

"Copy of complaint No.695-Peshi dated 18.04.2023 along with inquiry report is received from the office of Deputy Superintendent of Police Ladwa in Police Station Ladwa, District Kurukshetra. To Superintendent of Police Kurukshetra. Subject: In respect to take legal action against accused No.1 Jaspreet son of Mahinder Singh resident of Dera Tabar UP, Police Station Nukkar, District Saharanpur Mobile No.96399-62117, accused no.2 Jaspreet Singh (petitioner) son of Rati Ram resident of Samaspur, Police Station Nukkar, District Saharanpur Uttar Pradesh and accused no.3 Jarnail Singh alias

Kaka son of Ranjit Singh resident of Village Fajalpur, Tehsil Bilaspur, District Yamuna Nagar Mobile No.74570- 31471, 91930-40433 for committing fraud of Rs.33,00,000/- with me. Sir, Requested that I am resident of above mentioned address and I do work of spare parts of Combine Harvester. Jaswinder son of Mahinder Singh resident of Dera Tabar UP, Police Station Nukkar, District Sharanpur was on visiting terms to me. One day, he brought Jaspreet Singh along with him and he said to me that I do work of herbs. Thereafter, he came along with Jarnail alias Kaka and he said to me that medicine of heart is made from these herbs and it is sold at very high rate. I came in their talks and they fixed the deal of Rs.60,00,000/- (Rupees Sixty-Sex Lac Only) with me and said to me that half of the amount has to be paid now and on dated 09.04.2022 they called me at Ladwa Bus Stand with money. I went to Ladwa Bus Stand by taking said amount with me and Jaspreet, Jaspreet Singh and Jarnail Singh collected the said amount from me and promised to give medicine to me the next day i.e. 10.04.2022 and after paying money to them I came back from Ladwa. Next day they did not come to give medicine to me and then I made phone calls. Phone number of Jaspreet is 96399-62117. I could not find them and thus I could not give complaint immediately. Requested that my amount of Rs.33,00,000/- along with interest of Rs.8,00,000/- be recovered from them and returned to me. I shall be highly thankful to you. Sd/- Karampal".

4. The petitioner's counsel made the following submissions:

"2. That the FIR has been lodged belatedly after more than 2 years of the alleged occurrence, took place on 10.4.2012 whereas the FIR has been lodged on 29.4.2024.

3. There is no iota of evidence to the fact that the complainant allegedly handed over the amount through the petitioner to the co-accused. The petitioner has no concern and connection of the alleged occurrence relates to supply of some material.

5. That the petitioner is languishing in jail since from 9.8.2024."

5. The petitioner's counsel prays for bail by imposing any stringent conditions and contends that further pre-trial incarceration would cause an irreversible injustice to the petitioner and their family.

6. The State's counsel opposes bail and refers to the reply.

7. It would be appropriate to refer to the following portions of the reply, which read as follows:

"4. Thereafter, the investigation of the present case was conducted by ASI Suresh Kumar and during investigation of the present case, statement of witnesses were recorded. The notices under Sections 41-A Cr.P.C. were issued to petitioner/ accused Jaspreet and co-accused of the present case, namely Monu and

Jarnail Singh alias Kaka but accused have failed to join the investigation of the present case. On 09.08.2024 the petitioner/ accused has joined in investigation of the present case and he was arrested in the present case who has admitted his crime and disclosed that he along with co- accused of the present case has committed the present crime and also admitted that he has committed fraud with complainant of present case of Rs.33,00,000/-. During investigation, petitioner/ accused Jaspreet also admitted that he has received an amount of Rs.1,50,000/- in his share from the above said fraud and also got recovered an amount of Rs.20,000/- in the present case rest of the recovery was not done by him and thereby, he has not fully cooperated in the investigation. Hence, his bail application is liable to be rejected on this score alone. However, petitioner/ accused admitted his crime by making his disclosure statement voluntarily and copy of the same is enclosed herewith as Annexure R-1 for kind perusal of this Hon'ble Court.

5. *That on 10.08.2024, the co-accused Monu has joined in investigation of the present case in compliance of order of the Hon'ble Court but he has failed to cooperate the investigating officer while joined the investigation of the present and has not got recovered an amount of Rs.33,00,000/- which were taken by the petitioner/ accused along with co-accused of the present crime by committing present case, hence petitioner/ accused is not entitled for any relief as he has claimed in the present petition and same is liable to be dismissed.*

6. *That the petitioner/ accused along with co-accused of the present case has cheated the complainant-Karam Pal of an amount of Rs.33 Lakh on the pretext of selling a medicine made from snake venom and some exotic plants for heart ailments but in spite of that he has filed the present petition before this Hon'ble Court on false grounds and same is liable to be dismissed."*

8. Pre-trial incarceration should not be a replica of post-conviction sentencing. There is sufficient prima facie evidence connecting the petitioner with the alleged crime. However, per paragraph 6 of the bail petition, the petitioner has been in custody since 09.08.2024 and his total custody in this FIR is more than two months. Given the penal provisions invoked viz-a-viz pre-trial custody, coupled with the prima facie analysis of the nature of allegations, and the other factors peculiar to this case, there would be no justifiability further pre-trial incarceration at this stage.

9. Without commenting on the case's merits, in the facts and circumstances peculiar to this case, and for the reasons mentioned above, the petitioner makes a case for bail. This order shall come into force from the time it is uploaded on this Court's official webpage.

10. Given above, provided the petitioner is not required in any other case, the petitioner shall be released on bail in the FIR captioned above subject to furnishing bonds to the satisfaction of the concerned Court and due to unavailability before any nearest Ilaqa Magistrate/duty Magistrate. Before accepting the surety, the concerned Court must be satisfied that if the accused fails to appear, such surety can produce the accused.

11. While furnishing a personal bond, the petitioner shall mention the following personal identification details:

1.	AADHAR number	
2.	Passport number (If available) and when the attesting officer/court considers it appropriate or considers the accused a flight risk.	
3.	Mobile number (If available)	
4.	E-Mail id (If available)	

12. This order is subject to the petitioner's complying with the following terms.

13. The petitioner shall abide by all statutory bond conditions and appear before the concerned Court(s) on all dates. The petitioner shall not tamper with the evidence, influence, browbeat, pressurize, induce, threaten, or promise, directly or indirectly, any witnesses, Police officials, or any other person acquainted with the facts and circumstances of the case or dissuade them from disclosing such facts to the Police or the Court.

14. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.

15. A certified copy of this order would not be needed for furnishing bonds, and any Advocate for the Petitioner can download this order along with case status from the official web page of this Court and attest it to be a true copy. If the attesting officer wants to verify its authenticity, such an officer can also verify its authenticity and may download and use the downloaded copy for attesting bonds.

16. **Petition allowed** in terms mentioned above. All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

28.10.2024
Jyoti Sharma

Whether speaking/reasoned: Yes
Whether reportable: No.