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(204)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-52812-2024

Date of Decision: 14.11.2024

RAHUL NAGAR

... Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Keshav Pratap Singh, Advocate with
Mr. Vikash Sharma, Advocate for the petitioner.
for the petitioner.

Mr. A.S. Chaudhary, Addl. A.G., Haryana.

JASJIT SINGH BEDI, J.

The prayer in the present petition under Section 483 BNSS, 2023 is for the grant of regular bail in case bearing FIR No.433 dated 13.10.2022 registered under Sections 420, 406, 34, 467, 468, 471, 120-B, 506 IPC, 1860 and Section 3 of Emblems and Name Prevention of Improper Use Act, 1980 (Sections 467, 468, 471, 120-B, 506 IPC, 1860 and Section 3 of Emblems and Name Prevention of Improper Use Act, 1950 were added later on) at Police Station IMT, Rohtak, District.

2. The brief facts of the case are that the FIR came to be registered on the basis of one complaint bearing No.31881 dated 31.05.2022 from the office of Home Minister Haryana along with an application given by Surender Kumar son of Sh. Hukam Chand, resident of Village Baliyana Ward No.10, District Rohtak and investigation report of the DSP Sampla which

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were received in the Police Station. It is stated in the complaint given by Surender Kumar that he was having two sons. Vikas was his eldest son. Vikas had friendly relations with Sharad Jain and Rahul Nagar residents of District Faridabad. Sharad Jain and Rahul Nagar (petitioner) had close relations with Ex.-M.P. Harinarayan Rajbhar. His (complainant) son Vikas was also a worker of the Bharatiya Janata Party and he (Vikas) was made District President of the OBC Organization in the year 2017. Thereafter, his son Vikas was in touch of Rahul Nagar. Sharad Jain and Rahul Nagar told his son that they were having very good relations with Harinaryana Rajbhar and he (Vikas) could be appointed as Chairman in some department and under this pretext they demanded Rs.40 lakhs from his son. He (complainant) was having one plot measuring 74 Sq. yards at Delhi-Rohtak road Baba Mastnath Trust Asthal Bohar which was sold by him for Rs.30 lakhs. In the month of August, 2020, Rs.40 lakhs were given to Sharad Jain and Rahul Nagar. Thereafter, Sharad Jain and Rahul Nagar assured his son that they had discussed the matter with Ex.-M.P. Harinarayan Rajbhar and very soon he (Vikas) would be got appointed Chairman of MSME Export Promotion Council, Haryana. Thereafter, on 02 nd October, 2020 Harinarayan Rajbhar gave one appointment letter of Chairman of the above-said Department pertaining to Haryana. Thereafter, his son Vikas gave a Press Conference on 04.08.2020 at Rohtak that he has been appointed as Chairman. Thereafter, his son was called to the office of BJP, Rohtak and he was told that he had not been appointed as Chairman. Thereafter, his son Vikas inquired into the

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matter and he came to know that a forged appointment letter had been given to him and he had been cheated. Due to this reason Vikas was mentally disturbed. Thereafter, his son Vikas contacted Sharad Jain and Rahul Nagar and asked them to return Rs.40 lakhs. Out of this Sharad Jain gave one cheque of Rs.5 lakhs bearing No.363013 Indusind Bank, Sector-21, Faridabad. On 05.11.2020 Vikas presented the above-said cheque in PNB, Rohtak in his account but the said cheque was dishonoured. Thereafter, Vikas contacted Sharad Jain, who assured to return his amount after some time. Thereafter, despite his repeated requests the amount of Rs.40 lakhs was not returned to his son. His son Vikas become a victim of the above-said conspiracy of the three persons and they fraudulently obtained Rs.40 lakhs from him. His son was mentally disturbed because of the above-said fact. In the month of May, 2021 his son Vikas died. Thereafter, also his family repeatedly contacted Sharad Jain and Rahul Nagar to return the money but they put the matter off on one pretext or the other. On 23.09.2021, he had given a complaint to the S.P., Rohtak but no action was taken. On 24.11.2021 one complaint was given at C.M. Window, Rohtak. He was a senior citizen. His young boys had died. Legal action was sought against the accused.

On these allegations, the present case was registered under Sections 406, 420, 34 IPC and subsequently challan came to be filed.

3. The learned counsel for the petitioner contends that a perusal of the FIR would reveal that the petitioner has not cheated anyone. No specific allegations have been levelled against him. In fact, the instant FIR has been registered after more than 02 years from the date of the occurrence. He,

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further contends that one Sharad Jain had accepted his liability as he had repaid a sum of Rs.14.5 lakhs and had issued cheques worth Rs.25 lakhs to the complainant though the said cheques had been dishonoured. As the petitioner was in custody since 28.06.2024 and none of the 32 prosecution witnesses had been examined so far, the Trial of the present case was not likely to be concluded anytime soon and therefore, he was entitled to the concession of bail.

4. A reply dated 13.11.2024 by way of an affidavit of Rajneesh Kumar, HPS, Deputy Superintendent of Police, Sampla, District Rohtak has been filed on behalf of the State by the learned counsel for the State. The same is taken on record. He contends that the nature of the allegations did not entitle the petitioner to the grant of bail. He, however, concedes that the petitioner was in custody since 28.06.2024 and none of the 32 prosecution witnesses had been examined so far.

5. I have heard the learned counsel for the parties.

6. The veracity of the prosecution case against the petitioner shall be adjudicated upon during the course of the Trial. Admittedly, the petitioner is in custody since 28.06.2024 and none of the 32 prosecution witnesses have been examined so far. Therefore, the trial of the present case is not likely to be concluded anytime soon. There are no serious apprehensions expressed by the State that the petitioner would abscond from justice, tamper with the evidence or influence witnesses if granted the concession of bail. In this situation, the further incarceration of the petitioner is not required.

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7. Thus without commenting on the merits of the case, the present petition is allowed and the petitioner-Rahul Nagar son of Ajit Nagar is ordered to be released on bail on his furnishing bail bonds and surety bonds to the satisfaction of learned CJM/Duty Magistrate, concerned.

8. The petitioner shall appear before the police station concerned on the first Monday of every month till the conclusion of the trial and inform in writing each time that he is not involved in any other crime other than the present case.

9. The petitioner (or anyone on his behalf) shall prepare an FDR in the sum of Rs.50,000/- and deposit the same with the Trial Court. The same would be liable to be forfeited as per law in case of the absence of the petitioner from trial without sufficient cause

10. The petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

14.11.2024

JITESH

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