



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

242

CRM-M-54107-2024

Date of decision: 06.11.2024

Rohit

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Gulzar Mohammad, Advocate
for the petitioner.

Mr. Amit Rana, Sr. DAG, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner in the instant (second) petition is seeking the concession of bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in case FIR No.62 dated 05.04.2024 under Sections 465/467/468/471/420/120-B of the IPC registered at Police Station Division No.6, Police Commissionerate Jalandhar.

2. Learned counsel for the petitioner submits that in a case triable by Magistrate, the petitioner has been in custody since 05.04.2024 and there is no likelihood of the trial concluding in the near future as 18 prosecution witnesses still remain to be examined. Learned counsel has further argued that since the entire case of the prosecution is based on documentary evidence which is already part of the challan, there can be no apprehension of the petitioner tampering with evidence. Hence, in the given circumstances, further incarceration of the petitioner would serve no useful purpose.



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3. Per contra, learned State counsel while opposing the prayer and submissions made by learned counsel for the petitioner, has reiterated the allegations levelled in the FIR annexed as Annexure P-6 and which stands reproduced hereinunder:-

“With reference to application no.230-DCP dated 12.01.2024 To, The Police Commissioner, Jalandhar Zone, Jalandhar, Sub: Complaint against 1. Rohit, previously working as a senior sale executive AGI Infra Ltd. SCO No.1-5, Urbana, Jalandhar Heights-2, Village Pholriwal, Jalandhar (M) 7696928152, 2. Suraj Vishal previously working as an accountant at Jalandhar Heights, Jalandhar and 3. Kamal son of Piara Ram C/o Rohit, for committing cheating, fraud and forgery. Sir, It is submitted as under:- 1. That I am a law abiding citizen of India. 2. That I have booked and purchased a 3 BHK flat bearing no.1501, measuring 1720 Sq. Ft. at Jalandhar Heights-3, Jalandhar from AGI Infra Ltd. in name of my wife Saloni Mehta. 3. That Rohit who was working as Senior Sales Executive at the office AGI office at SCO No.1-5, Urbana, Jalandhar Heights-2, Village Pholriwal, Jalandhar had told me, at the time of booking of said flat that there is no availability of 3 BHK 1720 Sq.ft. flat at Jalandhar Heights-3, Jalandhar, then I will have to pay the an extra amount of Rs.3,00,000/- in cash, over and above the sale price of the flat, to the customer named Kamal son Piara Ram, who has booked a flat and wants to sale off the same. 4. That upon negotiation said Rohit agreed and settled the said amount at Rs.2,00,000/-. 5. That thereafter, said Rohit alongwith one Suraj Vishal who represented himself to be an employee of AGI, came to my office at AGI Business centre said persons in order to induce me, told that Kamal son Piara Ram is relative of Suraj Vishal, who has already booked a flat bearing no.1501-D. 3 BHK flat measuring 1720 Sq. ft. at Jalandhar Heights-2 and in order to deceive me they also showed me the booking documents with respect to said flat in favour of said Kamal son of Piara Ram and they both repeated the said words of no availability of flats with the company and providing the flat at higher price and under the said pretext they received an amount of Rs.2,00,000/- from me, in presence of witnesses at my office. 6. That after that the flat no.1501-D 3 BHK flat measuring 1720 Sq. ft at Jalandhar Heights-3, Jalandhar was allotted and agreed to be sold us. 7. That day before yesterday, when I went to the office of AGI Infra, but from office of AGI, I got to know that said Rohit and Suraj Vishal, who are



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relatives, have been terminated from his jobs, due to financial frauds and upon enquiry from AGI office, I was astonished and amazed, to know that, there was availability of 3 BHK flat measuring 1720 Sq. ft. at Jalandhar Heights-3 with AGI company, when the said flat was booked/sold to me and the said flat no.1403,B, 3 BHK flat measuring 1720 Sq. ft. at Jalandhar Heights-3, Jalandhar was never booked or allotted by company in the name of Kamal son Piara Ram said Rohit, Suraj Vishal in connivance with Kamal son Piara Ram have cheated, defrauded and dupes, me for Rs.2,00,000/- and for the same have used forged and fabricated documents. 8. That the intentions of said persons was malafide from very beginning and they have committed the said crime in very well planned manner. I, therefore, requested your goodself, to kindly grant me justice and register FIR against said Rohit, Suraj Vishal, Kamal son of Piara Ram and other guilty person, in the interest of justice. Sd/- Atul Mehta (English) son of Sh.J.K.Mehta resident of H.No.2, Cool Road, Jalandhar (M) 98882-22220.”

4. Learned State counsel has, on further instructions, not disputed the custody period of the petitioner and even the stage of trial. It has, however, been asserted by the learned State counsel on instructions that the petitioner is involved in multiple other cases of identical nature wherein he had similarly cheated a number of people.

5. On a pointed query as to whether the petitioner is on bail in the other cases which are pending against the petitioner, learned State counsel, on instructions, has submitted that the petitioner is in custody in all the cases.

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

7. The petitioner has been in custody since 05.04.2024, in a magisterial trial. The trial would take considerable time to conclude as only 01 prosecution witness out of the 19 cited have been examined till



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date. In the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of bail to the petitioner.

8. Accordingly, the instant petition is allowed. 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.

9. 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.

06.11.2024

Vinay

(MANJARI NEHRU KAUL)
JUDGE

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