



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

CRM-M No.57016 of 2024
Date of decision: 21st November, 2024

Pawan
... Petitioner

Versus

State of Haryana
... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Sachin Kaushik, Advocate for the petitioner.
Mr. Rahul Mohan, Sr. Dy. Advocate General, Haryana
for the respondent/State.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 439 Cr.P.C. read with Section 437(6) Cr.P.C. in case FIR No.0332 dated 25.07.2022 under Sections 120-B, 406, 420 of the IPC (Sections 467, 468, 471 IPC added later on) registered at Police Station Model Town Panipat, District Panipat.

2. Learned counsel for the petitioner submits that the petitioner, who has been in custody since 06.07.2023, has been falsely implicated in the present case for allegedly duping a number of innocent persons by luring them into investing in 'Vestige' Company on the pretext of getting lucrative returns. It has been submitted that the falsity of the allegations levelled in the FIR in question finds due credence from the fact that there was not even a single documented bank

transaction between the petitioner and the complainant, which clearly indicated that the petitioner was not even a beneficiary of the alleged fraud played upon the complainants by the prime accused Vijay Sharma. Learned counsel has further submitted 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 and hence, the petitioner be enlarged on bail as only 12 prosecution witnesses out of the 114 cited have been examined till date. It has also been brought to the notice of this Court that all the co-accused including the prime accused Vijay Sharma have since been extended the concession of bail by this Court vide order dated 12.11.2024 passed in CRM-M No.52217 of 2024 and order dated 16.05.2024 passed in CRM-M No.17112 of 2024 and CRM-M No.47848 of 2023. It has also been submitted that the petitioner has no previous criminal antecedents and therefore, he be extended the concession of bail.

3. Per contra, learned State counsel while opposing the prayer and submissions made by the counsel opposite, on instructions, has drawn the attention of this Court to the allegations levelled in the FIR in question and has submitted that the petitioner had connived with the prime accused Vijay Sharma by posing as an employee of Indian Oil Corporation Ltd. (IOCL) and thereafter, had duped many innocent persons of their life-savings. Learned State counsel, however, on instructions has not disputed the custody period of the petitioner as well

as stage of the trial. It has also not been disputed that the entire case of the prosecution is based on documentary evidence, which is all part of the challan. On a pointed query, learned State counsel has also not disputed that the petitioner has no previous criminal antecedents.

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

5. The petitioner has been in custody since 06.07.2023 in a Magisterial trial. Conclusion of the trial would take considerable time as only 12 prosecution witnesses out of the 114 cited have been examined till date. In the facts and circumstances, as enumerated hereinabove, and without commenting any further on the merits, the petition is allowed and the petitioner is admitted to bail on his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate/CJM concerned subject to the following conditions:

- (i) The petitioner shall not directly or indirectly make any inducement, threat or promise to any persons acquainted with the facts of the case, so as to dissuade him to disclose such facts to the Court or to any other authority.
- (ii) The petitioner shall remain present before the Court on each of the dates fixed for hearing of the case.
- (iii) The petitioner shall not absent himself or seek unnecessary adjournments from the Court proceedings.
- (iv) The petitioner shall surrender his passport, if any, (if already not surrendered).

(v) In case, the petitioner gets involved in any other criminal activity, during the pendency of the trial, it shall be viewed seriously and the prosecution shall be at liberty to move an appropriate application for cancellation of bail granted to the present petitioner.

6. 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.

(MANJARI NEHRU KAUL)
JUDGE

November 21, 2024
rps

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