



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

317

CRM-M-2203-2025

Date of decision: 22<sup>nd</sup> January, 2025

Rahul Saini

...Petitioner

Versus

State of Haryana

...Respondent

**CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present: Ms. Gagandeep Kaur, Advocate for the petitioner.

Mr. Rajiv Sidhu, Deputy Advocate General, Haryana.

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**MANISHA BATRA, J (ORAL):-**

The present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') by the petitioner seeking grant of regular bail in case bearing FIR No. 41 dated 16.02.2023 registered under Sections 420, 406 and 120-B of IPC at Police Station Asauda, District Jhajjar.

2. Brief facts of the case relevant for the purpose of disposal of this petition are that the aforementioned FIR was registered on a complaint lodged by complainant-Bijender, on the allegations that the present petitioner and the co-accused Dharambir had introduced him with two more persons and had represented to him that those persons hailed from Gujarat and were interested to buy a big chunk of land in the village of the complainant or in the same vicinity. The petitioner also introduced him with co-accused Rajesh Gupta, who further made representation to him that he



was a high rank officer of some company and his owner was interested to buy substantial area of land and also that the present petitioner and he himself were going to purchase some land and then sell the same to the owner of his company and to gain profit. On being allured by them, the complainant agreed to join them for purchasing big chunk of land on the promise that he would be getting huge profit. He was asked to arrange for money. He alleged that the petitioner had extracted an amount of Rs. 19,76,000/- from him by taking him to a hotel in Dehradun and had procured his signatures on some blank papers and then had assaulted him and he had somehow managed to rescue himself. After registration of FIR, investigation proceedings were initiated. The petitioner was arrested on 16.08.2024. Investigation qua stands completed.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. He is in custody since long. Investigation has been concluded. Challan stands presented. The FIR was registered after a gap of two months from the date of alleged occurrence. The case rests upon documentary evidence. The petitioner is not the primary beneficiary. Trial is likely to take time. The co-accused are yet to be arrested. The subject offences are triable by Magistrate. He has no criminal antecedents. Therefore, it is urged that he deserves to be released on bail.

4. *Per contra*, learned Deputy Advocate General, Haryana who has advance notice of the petition, has submitted that there are serious allegations against the petitioner. There are chances of his absconding or intimidating the witnesses, if extended benefit of bail. Therefore, it is urged that the petition does not deserve to be allowed.



5. I have heard learned counsel for the petitioner as well as learned State counsel at considerable length and have gone through the record carefully.

6. The petitioner in-connivance with the co-accused is alleged to have cheated the complainant by inducing him to part with a sum of Rs. 19,76,000/- thereby causing wrongful loss to him. The petitioner is in custody since 16.08.2024. Recovery of an amount of Rs. 1,00,000/- has been effected from him. The trial will take time since even charges have not been framed till date. The offences for which he has been challaned are triable by Magistrate. In the considered opinion of this Court, no purpose would be served by keeping in him in custody anymore. Keeping in view the period of his incarceration and the above discussed facts and circumstances of the case but without meaning to make any comment on the merits thereof, I am of the considered opinion that the petition deserves to be allowed. Hence, the same is allowed and the petitioner is ordered to be released on bail subject to his furnishing personal/surety bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.

7. Since the main petition has been allowed, pending application, if any, is rendered infructuous.

[MANISHA BATRA]  
JUDGE

22<sup>nd</sup> January, 2025  
Parveen Sharma

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|-------------------------------|---|----------|
| 1. Whether speaking/ reasoned | : | Yes / No |
| 2. Whether reportable         | : | Yes / No |