



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

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CRM-M-20328-2025

Date of decision: April 25th, 2025

Raj Kumar

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Vishal Tartyal, Advocate
for the petitioner.

Mr. Amit Rana, Senior Deputy Advocate General, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

This is the second petition filed by the petitioner seeking the concession of regular bail in FIR No.172 dated 28.12.2022 registered under Sections 420 and 120-B of the Indian Penal Code, 1860, at Police Station Nangal, District Rupnagar.

2. Learned counsel for the petitioner submits that in a magisterial trial, the petitioner has now been in custody since 03.04.2024 and there is no possibility of the trial concluding in the near future as only three prosecution witnesses out of the 12 cited have been examined so far. Learned counsel has further submitted that during trial when one of the alleged victims deposed before the trial Court, he failed to identify the petitioner much less depose against him qua the allegedly cheated amount. Learned counsel has asserted that in fact, the petitioner himself is a victim of a fraud perpetuated by the prime accused Subhash Sharma and Milind Garg, who were running an illegal virtual currency mobile based application.

3. On a pointed query as to whether the petitioner has any previous criminal antecedents, learned counsel for the petitioner has replied in the negative.

4. *Per contra*, learned State counsel while opposing the prayer and submissions made by counsel opposite has not disputed that the petitioner has been in custody since 03.04.2024 and the entire case against the petitioner is based on documentary evidence; out of the 12 prosecution witnesses, three stand examined and furthermore, one of the witnesses while deposing before the trial Court did not level any allegations against the petitioner. However, learned State counsel has reiterated the allegations levelled against the petitioner in the FIR in question, which stands reproduced hereinunder:-

“Copy of the complaint To the, Hon'ble DSP Sahib Nangal. Subject:-Complaint regarding fraud by VOSCROW COMMUNITY to many residents of village Bhnām and Nanagara of lakhs of rupees. Sir, Request is that we are residents of village Bhnām and village Nanagara, whose list is attached herewith. Last year in August 2021 Raj Kumar C/o Vishwas Readymade Store Main Bazar Sujampur Tihra Himachal Pradesh Mob. no. 9816463265. This person is relative of Ravinder Kumar of Bhanam village and Ravinder Kumar used to ask us to invest money on behest of Raj kumar. We had a meeting with Raj kumar, Raj kumar asked us to invest money and he developed the cordial relation with the residents of the area and he invested millions of rupees from all of us on the VOSCROW (DGT COIN) COMMUNITY which is about 6400000 (64 lakhs) in rupees. This person has promised to give the double of the invested amount to every investor and he used to say with confidence that whenever you need your money, you can take it from me by depositing your DGT Coin with him. We have some phone call recordings for the purpose of proof and now the period of the 11 month has been lapsed against the deposit made by all the parties. We have given this money to Raj Kumar in his account but money given in the form of cash is more in

volume. Few persons have given cash to Parveen Kahlon (Mb. No. 9817292154) and Professor Uttam Kumar Sharma (Mb. No. 9816088957) who are from Raj Kumar's community and its senior leader also. Now when we ask for money from Raj Kumar, now he says that I do not have money and threatens to kill us and abuse. Honorable D. S. P. Sir all these persons are from Himachal Pradesh. So, I request you to take strict legal action against them and return all the money that we have invested."

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

6. There is no possibility of the trial concluding in the near future as nine prosecution witnesses still remain to be examined. The entire case of the prosecution hinges on documentary evidence. Hence, there can be no apprehension of the petitioner tampering with evidence.

7. In the facts and circumstances as enumerated hereinabove, more so since it is a magisterial trial, which the petitioner is facing, this Court deems it fit to extend the concession of bail to the petitioner. Accordingly, the instant petition is allowed and the petitioner be admitted to bail to the satisfaction of the trial Court/Duty Magistrate concerned.

8. 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.

April 25th, 2025
Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No