

**CRM-M-20020-2025 (O&M)**  
**Date of decision: 27.08.2025**

**...PETITIONER**

## ...RESPONDENTS

*“The brief facts of this case are that an application for initiating legal action for committing fraud, forgery and criminal intimidation against Jagbir S/o Mani Ram, Manju W/o Jagbir, Rajinder Kumar (Vendor/Proprietor) Rajasthan Gujrat Roadways, Riyal Chamber, 8-A National Highway Opposite Kavery Ceramics, Kandla Road, Morbi-2, Gujarat, Sunil Kumar S/o Prem Pal, Anwar Hussain, Ashok and Rambir. Complainant Rajneesh Gupta is the owner and sole proprietor of Moga Karnal Transport having its office at 92 Anand Vatika Sector 36 Karnal and is in the business of transport sector for the last 11 years and is enjoying a good reputation amongst the people who are involved in the transport sector, apart from the aforesaid firm, the Complainant is also looking after and supervising three other sister concern firms*



*namely Moga Karnal Transolutions (proprietor Rajiv Gupta brother of complainant) and Shri Shyam Transport company (Proprietor Binu Gupta wife of complainant) and the offices of all companies falls under one roof. That accused no.1 Jagbir Singh was appointed as General Manager in Moga Karnal Transport in the month and year of October 2021. His job was to arrange commercial vehicles from the market for loading and unloading of goods and to make truck freight payments apart from the aforesaid firm, his job was also to look after the business of Moga Karnal Transolutions (proprietor Rajiv Gupta brother of complainant), Blue Sky Impex (proprietor Binu Gupta wife of complainant) and Shri Shyam Transport company (proprietor Binu Gupta wife of complainant). The accused no.2 Manju is wife of Jagbir Singh and was also working for Moga Karnal transport since April 2022 to September 2023 and accused no.3 to 7 are also dealing in transport business, all the accused persons in a planned criminal conspiracy played fraud with complainant and caused financial loss of more than Rs.50 lakhs. That on 25.5.2023, accused no.1 asked the complainant that he has booked a truck having no. RJ-52-1785 to transport ceramic tiles from Gujarat to Delhi with accused no.3 and asked to deposit a sum of Rs.75,275/- from the account of Moga Karnal Transolutions in the bank account of accused no.3 (Rajasthan Gujarat Roadways) as advance payment of the truck freight and accordingly the complainant deposited the aforesaid amount in the bank account of accused no.3 dated 28.5.2023 and thereafter after delivery of goods as per directions of accused no.1 a balance amount of Rs.11,000/- was also deposited on 21.7.2023. It is pertinent to mention here that several telephonic messages were given by the owner of Kotputli Shahpura Road Carrier to complainant to clear the truck freight of truck having no. RJ-52-1785 amount of Rs.92,300/- for transporting of ceramic tiles from Gujarat to Delhi, on this the complainants told to the said owner of Kotputli Shahpura Road Carrier that neither any of their firm has ever booked the aforesaid vehicle for transportation of ceramic tiles from Gujarat to Delhi with any firm Kotputli Shahpura Road Carrier, but the said firm sent Loading Slip in this regard, after then the Complainant telephonically talked with accused no.3 and told to him that why he has taken Rs.86,275/- as truck freight charges truck having no. RJ-52-1785 for transporting of ceramic tiles from Gujarat to Delhi as he has never supplied any aforesaid truck for transportation for goods to complainant and the complainant also told to accused no.3 that owner of Kotputli Shahpura Road Carrier has paid truck fare to the owner of truck having no. RJ-52-1785. The accused no.3 threatened the complainant with criminal intimidation that not to call him in future and openly declared that they have divided Rs.86,275/- with accused no.1. Hence, it is prayed that strict legal action may kindly be taken against the aforesaid persons. Hence, the above FIR."*

4. Counsel for the petitioner submits that in case this Court grants bail to the petitioner, he would have no objection by imposing any stringent conditions including surrender of fire arms,



if any, on or before 05.09.2025. He shall not enter the property/workplace or residence of the victim or a victim's immediate family. In case, he repeats the offence or commit any offence where the sentence is more than 07 years, he would have no objection, if State files an application for cancellation of his bail. He further contends that further pre-trial incarceration would cause an irreversible injustice to the petitioner and their family. Counsel for the petitioner submits that compliance of order dated 06.05.2025 has already been made.

5. The State's counsel opposes bail and refers to reply.

6. It would be appropriate to refer to the following portions of the reply, which read as follows:

*"That the role of the petitioner/ accused is that as per the allegations leveled in the complaint and the by the investigation conducted investigating officer the petitioner/accused in conspiracy with co-accused has cheated Rs. 50 lakhs of the complainant. The petitioner/accused was working as the General Manager in the firm the Complainant. The Applicant/ Accused along with the other co-accused (his wife belonging to and other transporters) caused a financial loss of more than Rs.50 lakhs to the Complainant by making fictitious bookings of the carriage vehicles and making payments for the trips which were never undertaken by the transport firms. The said transporters later on refunded the amounts to the petitioner/accused thereby causing loss to the Complainant and the petitioner/accused made unlawful gains at the cost of the complainant. The complainant has produced the bank statements indicating that in many cases, the petitioner /accused received the exact amounts which were paid by the complainant to other firms. Therefore, the custodial interrogation of the petitioner/accused is necessary to unearth the entire controversy as the modus operandi used by the petitioner/accused to siphon off the funds needs to be thoroughly investigated and recovery of the amount cheated by the petitioner/accused is to be effected from him, therefore, the custodial interrogation of the petitioner/accused is required for proper and fair investigation of the present case."*

7. Counsel for the complainant oppose the bail and submits that matter relates to 2024 and police has done nothing and the petitioner had sent his accomplices to threaten them.

8. On the query of this Court, State counsel submits that in case any allegation regarding threat are found to be correct, action will be taken against all such persons.

#### REASONING:

9. The petitioner was granted interim protection, and in the interregnum, there is no allegation that he had intimidated the witnesses, hampered the investigation, or, despite being called to join the investigation, did not appear before the investigator. Order dated 06.05.2025 has already been complied with. Given the above, there would be no justification to discontinue the interim protection, which is made absolute.

10. The petitioner is directed to join the investigation on 08.09.2025 in the concerned Police



Station at 10:00 AM and thereafter as and when called upon to do so by the investigator. The petitioner shall be in deemed custody for Section 27 of the Indian Evidence Act. The petitioner shall join the investigation as and when called by the Investigating Officer or any Superior Officer and shall cooperate with the investigation at all further stages as required. In the event of failure to do so, the prosecution will be open to seeking cancellation of the bail. During the investigation, the petitioner shall not be subjected to third-degree, indecent language, inhuman treatment, etc.

- 11. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.
- 12. Petition allowed in terms mentioned above. Interim order dated 06.05.2025 is made absolute. All the pending application(s), if any, stand disposed of.

27.08.2025  
renubala

(ANOOP CHITKARA)  
JUDGE

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