

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-21811-2025
Reserved on: 02.07.2025
Pronounced on: 11.07.2025

Rakesh Sharma ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Kamal Kumar Mor, Advocate for the petitioner.

Mr. Naveen Kumar Sheoran, D.A.G., Haryana.

Mr. Sanchit Punia, Advocate for the complainant.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
295	16.08.2024	Civil Lines, Hisar	406, 420 of IPC and 24 of Immigration Act

1. The petitioner incarcerated in the FIR captioned above had come up before this Court under Section 439 CrPC, seeking regular bail.

2. In paragraph 8 of the bail petition, the accused declares that he has no criminal antecedents.

3. The facts and allegations are being taken from the status report filed by the State, which reads as follows:

“3. That the brief facts of the case are that the complaint No.672-Peshi dated 19.07.2024, submitted by Ravi Kumar son of Mahender Singh, was received at the Police Station, Economic Offences Branch, Hisar. The complainant seeks legal action against the petitioner/accused Rakesh Sharma, and co-accused Dilawar, Tarun Sharma, and Pinky Sharma, alleging that they formed a criminal conspiracy and defrauded the complainant and others of an amount totaling Rs. 58,00,000 (Fifty-Eight Lakhs). The complainant, Ravi Kumar, son of Mahender Singh, is a resident of Village Mirka, District Hisar, and describes himself as a peace-loving citizen. He, along with his younger brother Yogesh, established the "Spine Sports Academy" on 16.08.2020 at Saket Colony, Azad Nagar, Hisar. Pinky Sharma, a Municipal Councillor of Ward No.19, Azad Nagar, Hisar, became acquainted with the complainant, and subsequently, he also came into contact with her son Tarun Sharma. The academy attracted numerous students, and Tarun Sharma began visiting the premises regularly. He allegedly misled students under the pretense of securing them employment, claiming to have strong political connections and prior success in placing candidates. Among those misled were Suresh, son of Ramswaroop, resident of Arya Nagar, Hisar, Shiv Kumar, son of

Prithvi Singh, resident of Village Kajla, District Hisar, Amit, son of Ramphal, resident of Virat Nagar, Azad Nagar, Hisar (Regd. No. 40003498625), Ravindra, son of Dharambir, resident of Mangali Dhani Jatan, District Hisar, and his younger brother Praveen (Roll No. 1601205753), Mange Ram, son of Bansi Lal, resident of Village Moda Kheda, District Hisar (Roll No.1804007799), Sachin Kumar, son of Sumer Singh, resident of Shyam Sukh, District Hisar (Roll No.2201158144. Tarun Sharma allegedly assured Suresh and Shiv Kumar that he could secure employment for them as postmen and in SSC (GD), and demanded approximately Rs.60,00,000 from all involved under the pretext of job placement. When the complainant confronted him, Tarun was asked to provide a guarantor. In response, Tarun and his mother Pinky Sharma introduced Rakesh Sharma (the petitioner/accused), son of Suraj Bhan, and Dilawar Mor, son of Ranjit Singh, who assured repayment in case the promised services were not delivered. Pursuant to this assurance, an amount of Rs. 48,00,000-at a rate of Rs. 8,00,000 per person was allegedly paid in cash to Tarun, Rakesh Sharma, and Dilawar in the parking area of Royal Bar in January 2022. Subsequently, the accused persons proposed arranging overseas placement for a lesser amount, prompting the complainant to express interest in sending his brother Yogesh abroad. The accused then demanded Rs. 20,00,000, of which Rs. 10,00,000 was allegedly paid to them in April 2022. Initially, the accused remained in communication with the complainant but later ceased responding to calls. Multiple panchayat meetings were convened, but the accused purportedly boasted about their influential contacts and indicated that their objective was to extort money from unsuspecting victims. The accused thereby defrauded the complainant and other academy students of a total sum of Rs. 58,00,000 under false promises of employment and foreign placement. Additionally, the complainant submitted a pen drive containing an audio recording of conversations between the petitioner/accused Rakesh Sharma and the complainant, which allegedly pertains to the commission of the offence. Based on the above complaint, FIR No. 295 dated 16.08.2024 under Sections 406 and 420 of the Indian Penal Code was registered at the Police Station, Civil Lines, District Hisar.”

4. Counsel for the petitioner submits that without admitting or conceding, petitioner would live like a decent human being and mend his ways. He further submits that in case petitioner repeats any offence, he shall have no objection if the State files an application for cancellation of bail in the present FIR. He further contends that further pre-trial incarceration would cause an irreversible injustice to the petitioner and his family.

5. The State’s counsel opposes bail and refers to the reply. Counsel for the complainant opposes bail and submits that the police have failed to recover the proceeds of crime. He seeks liberty to make a representation in the event that the proceeds of crime are not recovered.

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

“11. That as far as the role of the petitioner/accused it is submitted that the petitioner/accused alongwith co-accused cheated Ravi (complainant) and other victims i.e. Mahender Singh, Sachin, Shiv Kumar, Amit Kumar, Ramswaroop, Ravinder and extorted Rs. 58.80 Lakhs, out of which, Rs. 48 lakh was taken in the name of getting a government job and Rs. 10 lakh

was taken in the name of sending the complainant's brother Yogesh to abroad and Rs. 80,000 for preparation of documents. Petitioner-accused has been specifically named in the FIR. That the present petitioner/accused does not have good criminal antecedents because one another similar FIR is already registered against the petitioner/accused. That during investigation evidences collected by the investigating agency regarding the transaction from father of complainant bank account to petitioner/accused bank account."

REASONING:

7. There is sufficient prima facie evidence connecting the petitioner with the alleged crime. However, pre-trial incarceration should not be a replica of post-conviction sentencing. As per paragraph 6 of the bail petition, the petitioner has been in custody since 07.02.2025. As per the custody certificate dated 01.07.2025, the petitioner's total custody in this FIR is 04 months and 20 days. Given the penal provisions invoked viz-a-viz pre-trial custody, coupled with the prima facie analysis of the nature of allegations, and the other factors peculiar to this case, there would be no justifiability for further pre-trial incarceration at this stage.

8. Without commenting on the case's merits, in the facts and circumstances peculiar to this case, and for the reasons mentioned above, the petitioner makes a case for bail.

9. Given above, provided the petitioner is not required in any other case, the petitioner shall be released on bail in the FIR captioned above subject to furnishing bonds to the satisfaction of the concerned Court and due to unavailability before any nearest Ilaqa Magistrate/duty Magistrate. Before accepting the surety, the concerned Court must be satisfied that if the accused fails to appear, such surety can produce the accused.

10. While furnishing a personal bond, the petitioner shall mention the following personal identification details:

1.	AADHAR number	
2.	Passport number (If available) and when the attesting officer/court considers it appropriate or considers the accused a flight risk.	
3.	Mobile number (If available)	
4.	E-Mail id (If available)	

11. This order is subject to the petitioner's complying with the following terms.

12. The petitioner shall abide by all statutory bond conditions and appear before the concerned Court(s) on all dates. The petitioner shall not tamper with the evidence, influence, browbeat, pressurize, induce, threaten, or promise, directly or indirectly, any witnesses, Police officials, or any other person acquainted with the facts and circumstances of the case or dissuade them from disclosing such facts to the Police or the Court.

13. *This bail is conditional, and the foundational condition is that if the petitioner indulges in any non-bailable offense, the State may file an application for cancellation of this bail before the Sessions Court, which shall be at liberty to cancel this bail.*

14. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.

15. A certified copy of this order would not be needed for furnishing bonds, and any Advocate for the Petitioner can download this order along with case status from the official web page of this Court and attest it to be a true copy. If the attesting officer wants to verify its authenticity, such an officer can also verify its authenticity and may download and use the downloaded copy for attesting bonds.

16. **Petition allowed** in terms mentioned above. The complainant is granted liberty to make a representation to the Superintendent of Police in this regard. Such representation shall be made within 15 days from the date of pronouncement of this judgment. All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

11.07.2025
Jyoti-II

Whether speaking/reasoned: Yes
Whether reportable: No.