

2025.PHHC.015045



215.

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

CRM-M-29101-2024 (O&M)

Date of decision: 30.01.2025

Rajesh Kumar Mehra

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Parvesh Malik, Advocate, for the petitioner.

Mr. Rajat Gautam, Addl. A.G., Haryana.

MANJARI NEHRU KAUL, J. (ORAL)

The instant petition has been filed under Section 439 of Cr.P.C. for grant of regular bail to the petitioner in case FIR No.393, dated 08.07.2023, under Sections 120-B, 420, 465, 467, 468, 471, 406 and 506 of IPC, registered at Police Station Ambala City, District Ambala.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case, wherein he is alleged to have cheated the complainant of Rs.2,47,00,000/- along with the other co-accused, under the pretext of investment in an immigration business. However, it is contended that no specific allegations have been levelled against the petitioner, as he was neither named in the FIR (Annexure P-1) nor has any distinct role been attributed to him.

It has been further submitted that the petitioner is a poor man with three minor children, who, due to his incarceration, have been unable to attend school, as he is the sole bread winner of the family. It has been further contended that no money was transferred into the account of the petitioner and that he was merely an employee (driver of co-accused Vishal Malik).

It has been further argued that the petitioner has been in custody since 08.12.2023, and the investigation has been completed, with the challan having been presented on 31.01.2024. Additionally, charges were framed on 21.03.2024. Learned counsel for the petitioner has submitted that the trial is unlikely to conclude in the near future, given that none of the 63 prosecution witnesses have been examined, and the case is primarily based on documentary evidence. It has been further submitted that no recovery is to be effected from the petitioner. Learned counsel has also emphasized that co-accused Rahul Kapoor, alleged to be one of the masterminds, who actively participated in the offence, has been granted regular bail by this Court.

Per contra, learned State counsel has vehemently opposed the prayer of the petitioner. While not disputing the stage of trial or the period of custody undergone by the petitioner, learned State counsel has reiterated the seriousness of the allegations levelled in the FIR, however, he, on instructions, has not disputed that no specific role has been assigned to the petitioner in the FIR in question.

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

The case at hand is based on documentary evidence which is already part of the challan. Hence, there exists no apprehension that the petitioner could tamper with evidence. The prosecution evidence has not yet commenced even though charges were framed way back on 21.03.2024. A substantial number of prosecution witnesses i.e. 63 have been cited, hence, it is unlikely that the trial would conclude in the near future.

In the light of the facts and circumstances, as enumerated hereinabove, and keeping in view the period of custody undergone by the petitioner, this Court deems it fit to extend the concession of bail to him.

Accordingly, the instant petition is allowed and the petitioner be admitted to bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned. 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.

Needless to add, in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the same.

(MANJARI NEHRU KAUL)
JUDGE

January 30, 2025
sanjeev

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