

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-54132-2024
Reserved on: 20.02.2025
Pronounced on: 28.02.2025

Yogesh ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Sahil Choudhary, Advocate
for the petitioner.

Mr. Naveen K. Sheoran, DAG, Haryana.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
207	20.08.2023	Sadar Panipat, District Panipat	420/467/468/34 IPC (406 IPC added later on)

1. The petitioner incarcerated in the FIR captioned above had come up before this Court under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking regular bail.

2. Per paragraph 21 of the bail application and the custody certificate dated 09.12.2024 filed by the State, the accused has the following criminal antecedents:

Sr. No.	FIR No.	Date	Offenses	Police Station
1	327	29.12.2023	406/420/467/468/471/506/ 201/34 IPC	Munak, District Karnal

3. The facts and allegations are being taken from the translated version of the FIR, which reads as follows:

“Complainant- Rajesh Rathi son of Sh. Ramesh Rathi VPO Ganjbar, District Panipat, Haryana, India. First Information contents: Copy of complaint is attached. To, the SHO Sir Police Station Sadar, Panipat. It is submitted that I Rajesh S/o Ramesh resident of Village Ganjbar and working as a farmer. My brother Sonu is working as a Gunman with Dr. Parveen Kadyan at Medicity Hospital, Assandh. Manjeet R/o Kheri Taga Gannaur is also working as plumber there. My brother had words with Manjeet for my employment and he told that he can arrange job for me. Thereafter, in the month of October, 2022 Manjeet along with his companion Amar

Singh son of Rampal Resident of Munak came to our house and discussed the matter for getting my employment in Railways. On 24.11.2022 Manjeet along with Amar came to our house took Rs. 1 Lakh to secure employment in Railways. Then their companion Yogesh son of Mahavir Singh resident of Village Kaul, District Kaithal called telephonically who told me to go Kolkata for my employment on 25.11.2022. Then on 25.11.2022 I went to Kolkata where I met with one Ankit whose mobile No. is 7082XXXXXX, 8683XXXXXX who took me to hotel and from there we went to Kharagpur next morning, where he took me to railway quarter where we remained for 10 days. Then he left me in different quarter where I had my training classes. Then on 30.11.2022 one boy got my signature on joinin letter and a copy of the same was handed over to me. Then I told regarding this at my home and then on 07.12.2022 after discussing matter with Manjeet a sum of Rs. 10 Lakh given by my brother Sonu after taking same from my sister and asked for proof of the payment then an affidavit dated 09.12.2022 along with two cheques of Rs. 5 Lakh and 6 Lakh respectively handed over to my brother by Manjeet. And thereafter I returned back in the month of January. On 22.01.23 I again went to Kolkata and after 7/8 days Yogesh and Amar again called me at Hawara Kolkata and they made me stay in a hotel for 7 days and thereafter they send me again at Kharagpur where I attended classes for 20 days and I found that there are 15-20 boys are also studying in that class. Then in the month of February, 2023 I returned back and after few days Yogesh informed me that your name is there in the list and send me a railway list wherein my name was figured. When I inquired about that list same was found to be fake and that letter was also fake one. I along with my brother demanded back our money from Manjeet having mobile No. 9560XXXXXX, Yogesh Mobile No. 9034XXXXXX, 7404XXXXXX and Amar having mobile No. 8708XXXXXX but they told me that they will not return back our money and in case you demanded your money then they threatened for dire consequences. Manjeet mobile No. 9560XXXXXX, Yogesh Mobile No. 9034XXXXXX, 7404XXXXXX and Amar mobile No. 8708XXXXXX Have committed cheating by giving fake railway list and joining letter. Kindly take legal action against them. I enclose the joining letter of railway and list of railway candidate and one affidavit along with my complaint Sd/- Rajesh Rathi Rajesh Rathi son of Sh. Ramesh Rathi VPO Ganjbar, District Panipat PH. 9541XXXXXX dated 20.08.2023 police proceedings....”

4. The petitioner's counsel prays for bail by imposing any stringent conditions and contends that further pre-trial incarceration would cause an irreversible injustice to the petitioner and their family.

5. State opposed the bail petition based on instruction and prayed for dismissal of petition.

REASONING:

6. 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. Per paragraph 12 of the bail petition, the petitioner has been in custody since 16.01.2024. Per the custody certificate dated 09.12.2024, the petitioner's total custody in this FIR is 10 months and 24 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.

7. 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. This order shall come into force from the time it is uploaded on this Court's official webpage.

8. 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.

9. 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)	

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

11. 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.

12. 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.

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

14. A certified copy of this order would not be needed for furnishing bonds, and any

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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.

15. **Petition allowed** in terms mentioned above. All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

28.02.2025
Jyoti Sharma

Whether speaking/reasoned: Yes
Whether reportable: No.