



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

213**CRM-M-54420-2024****Date of decision: 17.01.2025****GAURAV SHARMA**

....Petitioner

V/s

STATE OF PUNJAB

....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

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

Mr.Amit Rana, Sr.DAG, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 483 of the Bhartiya Nagrik Suraksha Sanhita, 2023 in case FIR No.12 dated 03.02.2024 under Sections 420, 406, 120-B of the IPC registered at Police Station Division VII, Police Commissionerate, Jalandhar, District Jalandhar.

2. Learned counsel for the petitioner submits that totally baseless and fabricated allegations have been levelled against the petitioner for allegedly cheating the complainant into investing huge sum of money, approximately Rs.58 lacs, on an assurance that the said investment would be doubled. It has been contended by the learned counsel that the petitioner has been in custody since 29.06.2024 in a magisterial trial; investigation in the present case is complete as challan stands presented. Hence, further incarceration of the petitioner would serve no useful purpose as there can be no risk of the petitioner tampering with evidence which is



already part of the challan. It has also been submitted that since 18 prosecution witnesses have been cited, the trial is unlikely to conclude shortly.

3. Per contra, learned State counsel while opposing the prayer and submissions made by the counsel opposite, has not disputed the custody period of the petitioner nor has he disputed that the case of the prosecution hinges on documentary evidence and is part of the challan which already stands presented. However, learned counsel has reiterated the allegations levelled in the FIR which stands reproduced herein-under:

“Application no. 3856-DCP dated 13.07.23. PGD No. 199569 dated 15.07.2023. To, Commissioner of Police, Jalandhar. Subject: For initiation of legal action against Gaurav Sharma son of Satish Sharma; Ragini wife of Gaurav Sharma; Satish Kumar and Jatinder Kumar for extending threats to kill and to cause financial loss. Sir, it is submitted that I, Rohit Chopra son of Shri Naresh Chopra, am resident of House No. 52, Kalgidhar Avenue, Jalandhar. Earlier, I had moved an application bearing no. 543-P.G.D. dated 12.05.23 against Gaurav Sharma son of Satish Sharma, Ragini wife of Gaurav Sharma, Satish Kumar, residents of House No. 72, near Shiv Mandir, Barring, Jalandhar and Jatinder Kumar, owner of Car Traders, Ladowali road, Jalandhar in respect of deceiving of an amount of Rs. 95 lacs. Inquiry qua this application was conducted by A.C.P./Detective Jalandhar. During inquiry, compromise between us, both the parties, was arrived at and entire responsibility was owned by Satish Kumar and in pursuance of compromise, amount of Rs. 58,85,000/- was promised to be returned through cheques. The cheques given by Satish Kumar, after compromise, were not encashed from the bank and when I told the aforesaid persons about these cheques that the cheques given by you have not been encashed, then, they started threatening me by saying that you may do whatever you want and we have not to pay that money and it was also asserted that in case of moving of fresh



application before police, then they may cause harm to my life and property. My submission is that the aforesaid persons are mischievous type of persons and may be having connection with persons of criminal background. Kindly, action against these guys, namely, Gaurav Sharma son of Satish Sharma; Ragini wife of Gaurav Sharma; Satish Kumar and Jatinder Kumar may be taken and my life and property may be protected from their hands. Encls.: details of documents; copy of earlier application; copy of compromise; copy of Aadhar card. Sd/- (Eng.) Rohit Chopra son of Shri Naresh Chopra, resident of House No. 52, Kalgidhar Avenue, Jalandhar. Phone No. 8054404325 and application was also submitted before the office of Hon'ble Commissioner of Police, Jalandhar."

It has been further submitted that the next date fixed before the trial court is 29th January 2025 when the charges are likely to be framed.

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

5. The petitioner has been in custody for more than six months in a case triable by Magistrate. The case of the prosecution hinges primarily on documentary evidence. There can be no risk, therefore, of the petitioner tampering with any evidence.

In the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of bail to the petitioner.

6. 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.

7. 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.

January 17, 2025
poonam

(MANJARI NEHRU KAUL)
JUDGE

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