



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

223

CRM-M-58015-2024

Date of decision: 17th February, 2025

Mahesh @ Mahesh Sharma

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Anoop Kumar Yadav, Advocate for the petitioner.

Mr. Apoorv Garg, Sr. Deputy Advocate General Haryana and
Mr. Rajiv Sidhu, Deputy Advocate General, Haryana.

Mr. J.P. Sharma, Advocate for the complainant.

MANISHA BATRA, J (ORAL):-

The present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') by the petitioner seeking grant of regular bail in case bearing FIR No. 116 dated 08.03.2024 registered under Sections 406, 420 and 120-B of IPC (Sections 467, 468 and 471 of IPC added later on) at Police Station City Narnaul, District Mahendergarh.

2. Brief facts of the case relevant for the purpose of disposal of this petition are that the aforementioned FIR had been registered on the basis of a complaint jointly filed by the complainant Ashok, Vishnu Dutt Sharma, Rinku Yadav, Vidhyadhar and Manoj Kumar, on the allegations that they were well acquainted as well as related with the petitioner and the co-



accused. On 17.09.2022, the petitioner Mahesh Sharma had induced them to part with money by assuring that he get them appointed in the railway Group-D services. Believing him, the complainant Ashok Kumar and Rinku Yadav had given a sum of Rs. 5,00,000/- each to the petitioner, whereas, the victims-Vishnu Dutt Sharma, Pankaj and Ankit had given an amount of Rs. 6,00,000/- each to the accused. The petitioner and co-accused had assured that they would return the money, if the victims were not appointed. It was further alleged that on asking of the petitioner, co-accused Ganesh Sharma, who is his nephew, had called the victims Ashok and Vishnu Dutt Sharma on 19.09.2022, at a hotel in Mahipalpur, Delhi for the purpose of their appointment wherein he got their examination conducted in a fake manner. On 29.09.2022 and 02.10.2022, the other victims were called at Delhi and their examination had been got conducted in some hotel. However, neither the victims got any appointment nor their money was returned. When they asked for their money, they were criminally intimidated by the petitioner and co-accused. After registration of FIR, investigation proceedings were initiated. During investigation, the petitioner was arrested on 18.07.2024. He suffered disclosure statement admitting his involvement in the crime. Investigation has since been completed.

3. The present petition has been filed by the petitioner on the grounds and it is argued by his counsel that he has been falsely implicated in this case. There is delay of two years in reporting the matter to the police. No money was transferred in his bank account by either of the victims at any point of time. He is a permanent driver working with Haryana Roadways and has no links with railways and any other institutions. Question of his



ensuring the victims to provide any job did not arise. A false story has been concocted. No useful purpose would be served by keeping him in custody anymore. Therefore, it is urged that the petition deserves to be allowed.

4. A common status report has been filed in the connected petition bearing CRM-M-55654-2024. It is argued by learned Deputy Advocate General, Haryana that there are serious allegations against the petitioner. He along with the co-accused hatched a conspiracy and in pursuance of the same, induced the victims to part with huge amount of money on the pretext that they would be appointed in Group-D services of Railway Department. Even fake examination was got conducted by the petitioner and co-accused by calling them in a hotel room at Delhi by using laptop. There are chances of petitioner's absconding or intimidating the witnesses, if extended benefit of bail. Therefore, it is urged that the petition does not deserve to be allowed.

5. I have heard learned counsel for the parties at considerable length and have gone through the record carefully.

6. The petitioner along with the co-accused is alleged to have induced the complainant and other victims to part with a total sum of Rs.44,00,000/- on the pretext of getting them appointed in a government job in Railway Department. He is also alleged to have prepared forged papers for the purpose of showing that the victims were infact taking examination for their appointment. The subject offences are triable by Magistrate. Investigation has since been completed. Challan stands presented. Trial will take time. Further incarceration of the petitioner's would not serve any useful purpose. The petitioner does not have any criminal antecedents. It is well settled proposition of law that bail is the rule and jail is an exception.



Keeping in view the above discussed facts but without meaning to make any comment on the merits of the case, I am of the considered opinion that the petition deserves to be allowed. Hence the same is allowed and the petitioner is ordered to be released on bail subject to his furnishing personal/surety bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.

7. Since the main petition has been allowed, pending application, if any, is rendered infructuous.

[MANISHA BATRA]
JUDGE

17th February, 2025

Parveen Sharma

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| 1. Whether speaking/ reasoned | : | Yes / No |
| 2. Whether reportable | : | Yes / No |