

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

CRM-M-2041-2025
Reserved on: 18.03.2025
Pronounced on: 28.03.2025

Rajesh Kumar ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. A.S. Sheoran, Advocate
for the petitioner.

Mr. Aashish Bishnoi, D.A.G., Haryana.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
409	28.09.2022	Sadar Hansi, District Hisar	120-B, 406, 420 IPC (Sections 467, 468, 471 IPC and Sections 3 and 4 of Haryana Protection of Interest of Depositors in Financial Establishment Act, 2013 and Sections 3, 4,5 and 6 of the Price Chits and Money Circulation Schemes (Banning) Act added later on)

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 17 of the bail petition, the accused declares that he has no criminal antecedents.
3. The facts and allegations are being taken from status report filed by State counsel, which reads as follows:

“2 That the brief facts of the case are that a complaint dated 16.09.2022 moved by the complainant namely Ram Chander son of Gulab Singh resident of Village Mamanpura, District Hisar, in the office of Superintendent of Police, Hansi, after enquiry conducted by Economic Cell, Hansi was received in the police station on dated 28.09.2022, in which complainant namely Ram Chander has alleged that he used to do Organic Farming and in Factory address no. 46, Riyal Bio Limited, Jind, he met with co-accused namely Subhash Sihag. In the month of July 2019 co-accused namely Subhash Sihag

and Sunder Singh had come in the Farm House of complainant situated at Village Mamanpura and agreed to purchase 210 quintals organic wheat at the rate of Rs.3050/- per quintal and thereafter, they paid Rs.6,40,500/- and took the purchased wheat. The complainant further alleged that on 05.09.2019 co-accused namely Subhash Sihag and Sunder Singh again visited his farm house and asked to invest money in Herbal Raja Industry Limited to get the gain and on the assurance of accused persons, complainant gave Rs.7,50,000/- to the accused persons in presence of Om Parkash, Manjeet Numberdar, Ramphal and Vedpal. In the month of October 2019, accused persons cleared the account of complainant and returned the total invested amount. Complainant further alleged that after some time, accused persons again met the complainant and asked him to invest Rs.25 Lacs in Herbal Raja Gaubhakti Industry Limited to get double of the amount after one year and co-accused namely Jaipal Jangra presented himself as Managing Director, co-accused namely Sunder Singh as CMD, co-accused Subhash Sihag, Anil, Sumender and Rajesh Atri as Directors of the said firm. On the assurance of accused-persons, complainant in the presence of Om Parkash, Manjeet Numberdar, Sajjan, Mahipal, Shri Bhagwan, Naresh, Ramphal, Dharambir, Surajbhan, Sita Ram, Sandeep, Ramesh Numberdar, Partap Singh, Balwan. Vedpal, Satpal Malik, Bimla Devi and Karan Singh gave Rs.22,50,000/- to accused persons. Complainant further alleged that co-accused Subhash Sihag and Sunder Singh also fraudulently obtained Rs.10 Lakhs from him on the pretext to provide job to Karan Singh and Manoj (both are relatives of the complainant) in Delhi Metro and accused persons also gave two cheques to the complainant with the assurance that if the job is not provided to Karan Singh and Manoj before 15.02.2021 then the complainant would get his money back by presenting those cheques in the bank. Complainant further alleged that till 15.02.2021 no job was provided to Karan Singh and Manoj and then he presented both the cheques in the bank, which were issued by accused persons but both the cheques were dishonored by the bank and in this regard, when he talked with the accused persons, then they obtained back both the cheque and again assured to provide job to Karan Singh and Manoj. Complainant further alleged that again on the assurance of accused persons, he and his family members gave more amounts to the accused persons to invest in Crypto-currency and Elite Coin. Complainant further alleged that accused persons in connivance with each other, fraudulently obtained Rs.80,50,000/- from him and his family members and when he demanded his money back, accused persons refused and extended threat to kill him and his family members. On the basis of said complaint and enquiry proceedings, case under sections 406, 420, 467, 468, 471 and 120-B of IPC was registered.

3. That on dated 29.09.2022, during the course of investigation many acquainted persons joined the investigation and they got recorded their statements. In those statements, it has been clearly mentioned that accused persons committed the fraud and earn huge amount from them. On dated 29.09.2022, co-accused namely Sunder

Tomar was joined the investigation and he was arrested on the basis of sufficient evidence incriminating against him. He suffered his disclosure statement, which is annexed herewith as Annexure R-1, that he along-with present petitioner namely Rajesh Kumar and other co-accused formed various companies i.e. JAN SWADESHI (P) LTD., JUS FIRE SOFTWARE (P) LTD., GAU BHAKTI INDUSTRIES LIMITED, JAY SARAL AYURWEDA PHARMACY LTD., HERBAL GOLD MARKETING (P) LTD., SARAL AYURWEDA, SAWARNA SANSAR JEWELS COMPANY, S.K. PHYSIOTHERAPY CENTER, FRESH SWEETS, ELITE COIN (CRYPTO CURRENCY). They opened their companies account in various banks. Co-accused Sunder Tomar admitted that the co-accused namely Jaipal Jangra and he were involved in all illegal process to form the company and worked as a main leader. They earn huge amount by fraud and misrepresentation to the innocent persons. Co-accused namely Sunder Tomar also got recovered Rs.46,000/- cash and other documents which were used by the co-accused to form a company.”

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. The State's counsel opposes bail and refers to the status report.

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

“7. During the course of investigation, it was found that co-accused in connivance with petitioner-accused Rajesh Kumar fraudulently obtained Rs.80,50,000/- from the complainant and his family members. It is pertinent to mention here that the petitioner-accused along-with co-accused cheated with hundreds of innocent persons. In furtherance of this petitioner-accused and co-accused fraudulently obtained crores of rupees from the complainant and other persons in the name of Crypto Currency and Elite Coin. It was also found that petitioner-accused is a real culprit who committed the offence to earn huge money by cheating with the innocent persons. It is submitted that other friends of the petitioner-accused were not arrested yet, which were also involved in the commission of the offence. If the bail of the petitioner-accused is allowed then he misleads the facts along-with other co-accused, whose arrest is pending. It is specifically mentioned here that no other case has been registered against the present petitioner except the same case.

8. That the petitioner-accused has been booked for allegedly committing serious nature of crime, hence the learned ASJ, Hisar has rightly been rejected the bail application of the petitioner-accused after going through all pros and cons of the case. There is apprehension of absconding of petitioner-accused from trial OMMISION Litioner-accused is not entitled for any relief and petition of and the petitioner-accused may tamper with the evidence, if the petition of the petitioner-accused is allowed. Hence the present petitioner may kindly be dismissed.”

7. State counsel opposed the bail on the ground that petitioner had fraudulently obtained Rs.80,50,000/- and he along with co-accused had de-frauded hundreds of innocent persons.

8. 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 9 of the bail petition, the petitioner has been in custody since 23.08.2023. Per the custody certificate dated 17.03.2025, the petitioner's total custody in this FIR is 01 year, 06 months and 17 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.

9. 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.

10. 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.

11. 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)	

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

13. 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.

14. This bail is conditional, and the foundational condition is that if the petitioner indulges in any non-bailable offense, the State shall file an application for cancellation

of this bail before the Sessions Court, which shall be at liberty to cancel this bail.

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

16. 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.

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

(ANOOP CHITKARA)
JUDGE

28.03.2025
Jyoti Sharma

Whether speaking/reasoned: Yes
Whether reportable: No.