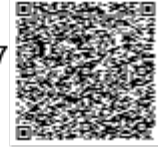




plantation of plants/trees, farming of flowers and fish farming. The aforesaid Dr. Gajanand Kaushik took more than Rs.80 lakh from the complainant, his family and friends, assuring them their money would get doubled in six months but the money was neither doubled nor returned. On asking, Dr. Gajanand Kaushik, through a message dated 10.04.2019, forwarded through Whatsapp, informed the complainant that his partners had cheated him and promised to return the money within a period of six months but of no consequence.

Learned counsel for petitioner contended that the petitioner has been falsely involved in the present case. Firstly, there is delay of more than one month in registration of the present FIR. The allegations levelled in the FIR are mainly against Dr. Gajanand Kaushik and no specific role has been attributed to the petitioner. Even if the message sent to the complainant regarding assurance given for returning of his money, is to be believed, only six months' time had been sought on 10.04.2019, but the complainant got lodged the FIR only on 03.05.2019. The alleged account in question also pertains to Dr. Gajanand Kaushik and petitioner has nothing to do with that. In fact, the petitioner is neither CMD nor employee of the aforesaid Company. Even in the FIR, it has nowhere been mentioned that the complainant ever met the petitioner or had induced the complainant or his family members to invest in said Company to get profit of double of the amount. So, there is no material on record to connect the petitioner with the offence in question. He has further urged that trial of the case is likely to take time and the petitioner is behind the bars since long. Therefore, the



petitioner be granted concession of regular bail.

Learned State counsel, on the other hand, opposed the bail petition while contending that some other cases are also pending against the petitioner and he is a habitual offender. There are direct and specific allegations against the petitioner and if enlarged on bail, he may tamper the prosecution evidence. So, he does not deserve the concession of bail.

I have heard the learned counsel for the parties and have also gone through the case file.

As per the allegations, the petitioner, in connivance with Dr.Gajanand Kaushik and other co-accused, fraudulently duped the complainant, his friends and relatives, of more than Rs.80 lakhs, while alluring them to invest in their Company, which was represented to be engaged in business of plantation, farming of flowers and fisheries, by assuring them that the invested money would be doubled within six months. The main allegations in the present case have been levelled against co-accused Dr.Gajanand Kaushik, who allegedly convened a meeting at Sonipat, at Sagar Hotel, Atlas Road. The alleged false assurances and inducement regarding doubling the invested money within six months has also been attributed to him. In the FIR, it has been specifically mentioned by the complainant that Dr.Gajanand Kaushik, by showing big dreams, usurped Rs.80 lakhs from him and his known persons, relatives and friends. However, no specific role has been attributed to the petitioner qua the same. The letter dated 10.04.2019 was also allegedly sent by Dr.Gajanand Kaushik, which prima facie shows that the investment, if any, made by the

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complainant or his family or friends, was made through Dr.Gajanand Kaushik. It has been alleged that the petitioner was CMD of “Star Global Star Company” but nothing has been produced on record to substantiate the same. Though it has been alleged that mobile phone no. 96673-99579 was found to be registered with Account No.10023610960 for providing OTP, debit and credit transactions, messages and the same was being operated by the petitioner, but nothing has been placed on record to show that the said mobile number was belonging to the petitioner.

Challan in the present case has already been presented and the prosecution evidence is being recorded. Counsel for the petitioner has placed on record the statements of prosecution witnesses, recorded before the Trial Court – Rajesh as PW-1, PW-2 Sudhir, PW-3 Virender Singh, PW-4 Deepak (Complainant), PW-5 Renu Kumari, PW-6 Manoj, PW-7 Sudhir Sharma and PW-8 Neelam and the aforesaid witnesses have not supported the case of the prosecution qua the petitioner.

As per the Custody Certificate, which has been placed on record, the petitioner has already undergone custody of 03 years, 09 months and 25 days. Trial of the case is going on, conclusion whereof is likely to take time. So, no useful purpose would be served by further detaining the petitioner behind the bars.

Accordingly, the present petition is allowed and the petitioner is ordered to be admitted on regular bail, on furnishing adequate bail bonds and surety bonds, to the satisfaction of concerned learned Trial Judge/Chief Judicial Magistrate/Duty Magistrate.

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However, nothing observed herein above shall be construed to be an expression of opinion on the merits of the case. The observations recorded above are only for the purpose of deciding the present bail petition.

Pending application(s), if any, shall stand disposed of along with the present petition.

October 01, 2025*monika***(SUKHVINDER KAUR)
JUDGE**

<i>Whether speaking/reasoned ?</i>	<i>Yes/No.</i>
<i>Whether reportable ?</i>	<i>Yes/No.</i>