

**Sr. No.212****IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****CRM-M-23753-2025 (O&M)****Date of decision: 15th May 2025****JAIDEV SHARMA****.....Petitioner****versus****STATE OF HARYANA****.....Respondent****CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN**

Present: Mr. Ashok Kumar Jindal, Advocate
for the petitioner.

Mr. Vikram Singh, AAG, Haryana.

HARPREET KAUR JEEWAN, J. (ORAL)

1. The present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, for grant of regular bail to the petitioner in case bearing FIR No.0332 dated 20.09.2024, under Sections 120-B, 406, 420, 467 and 468 IPC, 1860, registered at Police Station Sector-5, Gurgaon, District Gurugram (Annexure P-1).

2. As per the prosecution case, which was registered at the instance of Sandeep Sindhu, the complainant was acquainted with Sunil, co-accused of the petitioner. Sunil/co-accused approached the complainant-Sandeep Sindhu claiming that he is a property dealer and can arrange for a deal for purchase of a property located in Haridwar. He further informed the complainant that the property is owned by the present petitioner-Jaidev Sharma. The complainant is alleged to have made a payment of Rs.30,00,000/- to co-accused/Sunil from the bank account of his company R.S. Associates through RTGS on 30.08.2019. It is further an allegation that



co-accused/Sunil alleged that petitioner-Jaidev would get the property transferred in the name of the complainant within a period of 03 months.

2.1 It is further an allegation against the petitioner that in the event of failure to transfer the said property to the complainant within three months, the petitioner undertook to refund the said amount to the complainant. As per the said undertaking, the petitioner issued two post-dated cheques bearing Nos.375 and 378 of ICICI Bank, Sector-15, Sonipat, amounting to Rs.5,00,000/- and Rs.25,00,000/- respectively. However, during investigation, it was found that the said cheques were issued from a bank account which was already closed. The petitioner, in connivance with Sunil and other co-accused, is alleged to have deceived the complainant as subsequently during an investigation, it was also found that the petitioner was not the owner of the property in question.

3. Learned counsel for the petitioner contends that the petitioner has been falsely implicated in this case. The petitioner has never received any amount from the complainant. The said amount is alleged to have been received by co-accused/Sunil and co-accused/Sunil has never transferred any such amount to the bank account of the petitioner. It is further contended that the petitioner has never represented to the complainant that he is the owner of any property. It is further contended that the petitioner has never issued any cheques to the complainant. However, when a criminal complaint under Section 138 of the Negotiable Instruments Act, 1881, was filed by the complainant, in order to save himself from criminal liability and to get himself discharged in the said criminal complaint, the petitioner had made a payment of Rs.5,00,000/- to the complainant.



4. Learned State counsel has filed status report dated 14.05.2025, by way of affidavit of Sh. Sanjay Kumar, HPS, Assistant Commissioner of Police, Old Gurugram, on behalf of respondent-State of Haryana as well as custody certificate of the petitioner dated 14.05.2025, reflecting his actual custody period as 04 months and 08 days, which are taken on record.

4.1 Learned State counsel has opposed the present petition on the ground that no recovery has been effected from the petitioner and co-accused/Sunil is yet to be arrested. However, he has confirmed that investigation is complete, charges have been framed and final report/challan under Section 173 Cr.P.C. has been presented before the trial Court.

5. I have heard learned counsel for the parties and perused the paper book as well as the status report carefully.

6. Investigation is complete. The final report/challan under Section 173 Cr.P.C. has been presented before the trial Court. The petitioner is in custody for a period of 04 months and 08 days. Conclusion of the trial is likely to take time. There is no apprehension of absconding of the petitioner during the trial. The main allegations are against co-accused/Sunil, who is alleged to have received the payment from the complainant in his bank account through RTGS. The allegations against the petitioner are yet to be proved on merits. So far as the issuance of cheques is concerned, separate proceedings for adjudication under Section 138 of the Negotiable Instruments Act, 1881, is stated to be pending.

7. Keeping in view the above facts and circumstances, the present petition is allowed. The petitioner is ordered to be released on regular bail, subject to his furnishing adequate bonds and surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.



8. However, it is made clear that nothing expressed hereinabove would be construed to be an expression of opinion on merits of the case.

9. Pending miscellaneous applications, if any, shall stand disposed of.

(HARPREET KAUR JEEWAN)
JUDGE

15th May 2025
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Whether speaking/reasoned : *Yes/No*
Whether reportable : *Yes/No*