



CRM-M-54884-2024

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-54884-2024

Decided on : 29.01.2025

GOURAV YADAV

. . . Petitioner(s)

Versus

STATE OF HARYANA

. . . Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. Aditya Sanghi, Advocate, and
Mr. Sandeep Vashisht, Advocate,
for the petitioner(s).

Ms. Mayuri Lakhanpal, DAG, Haryana.

Mr. Govind Mor, Advocate,
for the complainant.

SANJAY VASHISTH, J. (Oral)

1. The instant petition has been filed for grant of regular bail to the petitioner – Gourav Yadav, aged about 34 years, who has committed the offence punishable under Sections 406, 420, 467, 468, 471 of IPC, in FIR No. 114, dated 16.02.2024, registered at Police Station Hisar Sadar, District Hisar, during the pendency of trial.

As per the allegations, cash amount of Rs.52 lacs has been handed over to the petitioner namely Gourav Yadav, and his co-accused Sourav Yadav. It is admitted case of the complainant that the amount is paid by the complainant namely Sandeep for getting Government job in the department of Ministry of Law and Justice on the posts of clerk and peon.

2. Counsel for the petitioner submits that the allegations are vague, as there is no evidence of depositing of any amount in the bank



account of the petitioner. Moreover, allegations levelled against the petitioner requires to be considered in its entirety because if same are taken to be true, it would constitute an offence against the complainant namely Sandeep, also.

3. Counsel for the petitioner also submits that only an amount of Rs.10,000/- is shown to be recovered from the house of the petitioner, by projecting that this is the amount in part, which was received by the petitioner under the premise to provide job to the complainant.

Further submits that after completion of the investigation, final report/challan has been submitted to the Court concerned along with the list of witnesses, wherein it is shown that 17 witnesses are to be examined by the prosecution, and despite framing of charges on 23.10.2024, till now, none has been examined so far.

Further submits that petitioner is inside jail since 16.07.2024, and all the offences are triable by the Court of Magistrate, further custody of the petitioner inside jail is not going to serve any purpose to the prosecution. Thus, prays for grant of bail, pending trial.

4. On the other hand, learned State counsel as well as counsel for the complainant submits that the petitioner, is the resident of the State of UP and he has cheated and played fraud upon the complainant by giving him allurements to provide Government job and has thus duped the complainant of an amount of Rs.52 lacs. Persons involved in such kind of crimes do not deserve any sympathy. Thus, argue for declining the prayer made by the petitioner.



5. This Court has noticed all the facts available on record, and has also heard the respective counsel, and thereupon, is of the opinion that all the offences, in the present case, are triable by the Court of learned Magistrate, and undoubtedly, the culmination of the trial is going to take considerable time. Moreover, petitioner cannot be kept inside jail for indefinite period because none of the witnesses has been examined, till date.

Therefore, without making any observation on the factual assertions argued before this Court, present petition is **allowed**.

Petitioner is ordered to be released on bail, subject to his furnishing bail/surety bonds to the satisfaction of the learned trial Court/ Chief Judicial Magistrate/ Illaqa Magistrate/ Duty Magistrate concerned, if not required in any other case.

6. However, it is clarified that the petitioner would submit two local sureties also, and in case, he is found involved in any other similar activity in future, present bail order would automatically be deemed to be cancelled.

Needless to observe that the petitioner shall not extend any threat and shall not influence any prosecution witness in any manner directly or indirectly.

7. The observation made hereinabove shall not be construed as an expression of opinion on the facts of the case and the Trial Court is expected to decide the case on the basis of complete evidence available on record.



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8. While reading out the facts mentioned in the FIR, which in fact, have been alleged by the complainant namely Sandeep himself, this Court notices that demanded money was paid by the complainant to the accused persons for achieving illegal goals through unfair means, but the police initiated one-sided action by registering an FIR only against the accused, who allegedly received the amount. Nothing has been commented upon the act and conduct of the complainant.

9. Superintendent of Police, Hisar, is directed to examine the matter as a whole, and then to frame his own view, in accordance with law, if any offence has been committed by the complainant.

Let the said exercise be completed by the Superintendent of Police, Hisar, within a period of 2 months from today, and accordingly, compliance report in that regard be placed on the record of the present case.

10. Copy of this order be handed over to Ms. Mayuri Lakhanpal, DAG, Haryana, also.

11. Petition stands disposed of.

(SANJAY VASHISTH)
JUDGE

29.01.2025

Lavisha

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No