

CRM-M-37949-2025 (O & M)

2025:PHHC:091194



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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
(224)

CRM-M-37949-2025 (O & M)

Date of decision: 23.07.2025

Rinku Jethwani

..... Petitioner

V/s

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Ashit Malik, Advocate, for the petitioner.

Mr. T.P. Singh, Sr. DAG, Haryana.

Mr. Rakesh Nagpal, Advocate, for the complainant.

JASJIT SINGH BEDI, J. (Oral)

The prayer in this petition under Section 483 BNSS, 2023 is for the grant of the regular bail to the petitioner in FIR No.22 dated 01.02.2025 under Sections 61, 318(4) and 316(2) BNS, 2023 registered at Police Station Cheeka, District Kaithal.

2. The present FIR came to be registered at the instance of Sachin Goyal, and reads as under:-

"Sir, it is submitted that I, Sachin Goyal son of Sh. Ravi Parkash, am a resident of House No.509, Sector 20, HUDA, Kaithal and am share holder in Radha Krishan Rice and General Mills, Patiala Road, Sadarheri, Cheeka. In the above mentioned rice mills, apart from me, my wife Suman Goyal and my three nephews namely Aditya, Subham Goyal and Pradhuman Goyal are also share holders. I have been looking after the entire work of above mentioned mill for the last about 9 years. In the



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above mentioned mills, as per the policies of Govt. we purchase paddy from Grain Market, take out rice from the paddy and further sell it through the brokers. I know broker Prakash Machhlal Khatri, resident of Mumbai, M.No.98203-19225 for the last 5 years. Above mentioned broker Prakash used to bring rice from our above said rice mills and further sold it in Mumbai and he used to send our payment. We had developed faith in the above mentioned broker Prakash. Above mentioned broker Prakash told us in August 2024 that he has come in contact with Shree Ji Enterprises, Ahmedabad (Gujarat), Sona Enterprises, Ahmedabad (Gujarat) and Maa Tulja Bhawani Agritech Private Limited, Devas, Indore (MP) and has been familiar with them. Above mentioned broker Prakash also told us that the proprietors of above mentioned all the three firms i.e. Dipesh, M.No.90042-89551 and Mahesh M. No.97028-29551 are very good businessmen. They purchase rice from market at good rate and make the payment in time. I trusted above mentioned broker Prakash, Dipesh, Mahesh and at the asking of above said broker Prakash, I had sent one loaded truck of rice containing 833 bags weighing 250 Quintals, worth Rs. 13,96,290/- to Shree Ji Enterprises, Ahmedabad, Gurajat on 06.09.2024. The above mentioned firm had sent the payment of above said rice on 01.10.2024, 08.10.2024 and 10.10.2024. On getting the payment of above mentioned rice in time, my trust was hence built on the proprietor of the above mentioned firms. Thereafter, at the asking of above mentioned broker Prakash and trusting Dipesh and Mahesh. The proprietors of the above mentioned firms, we loaded 1000 bags containing 300 quintal rice worth



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Rs.18,34,890/- in vehicle No.HR-45D-5153 of Satyam Transport Company, Pipli, District Kurukshetra on 17.10.2024 and sent it to Shree Ji Enterprises, Ahmedabad, Gujarat. Then again on 19.10.2024 we loaded 833 bags containing 249.50 quintal rice worth Rs. 15,59,375/- in vehicle No.TN-28A-2217 of Gajanan Private Carrier, Nissing, Karnal and sent it to Sona Enterprises, Ahmedabad, Gujarat. Then on 24.10.2024 we loaded 833 bags containing 249.50 quintal rice worth Rs. 15,96,800/- in vehicle No.MP-09HJ-4501 of Vijay Goods Carrier, Pipli, District Kurukshetra to Maa Tulja Bhawani Agritech Pvt. Ltd. Devas, Indore (MP). Thereafter on 30.10.2024 loaded 1000 bags containing 300 quintal of rice worth Rs. 19,50,000/- in vehicle No.TN-88J-2381 of Gajanan Pvt. Carrier, Nissing, Karnal and sent it to Shree Ji Enterprises, Ahmedabad, Gujarat. Payment of above mentioned rice amounting to Rs.69,41,065/- remain to be paid by above mentioned Mahesh and Dipesh which was sent to them through broker Prakash. Its payment has not been made by above mentioned firms. When I repeatedly asked above mentioned Prakash for above mentioned payment, then I came to know that truck loads of above mentioned Shree Ji Enterprises had been unloaded in Hapa Cold Storage. Ahmedabad, Gujarat. Above mentioned broker Prakash had given mobile No.89505-92854 and address Phase 2, Narova GIDS, Ahmedabad, Gujarat for getting the above mentioned trucks unloaded. I also came to know on 21.11.2024 when I went with Sorab Bansal, resident of Muzzafar Nagar at the above mentioned address of Hapa Cold Storage, Ahmedabad that name and addresses of above mentioned firms were fake. I on my own made



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enquiries and came to know that real name of above mentioned Dipesh was Rajesh Inderlal Lalwani, M.No.90042-89551, real name of Mahesh was Rinku Jethwani, M.No.97028-29551, above mentioned broker Prakash in connivance with Rajesh Inderlal Lalwani and Rinku Jethwani and in a planned manner had obtained rice from my mill have fraudulently grabbed rice worth Rs.69,41,065/-. The above mentioned Prakash has threatened to kill me if I again demand my money. Legal action be taken against above mentioned broker Prakash, Rajesh Inderlal Lalwani and Rinku Jethwani who have fraudulently grabbed my rice and my rice be also recovered. I will be highly obliged. Sd/ Sachin Goyal.

3. The learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. The entire conspiracy has been hatched by the broker Prakash, Rajesh and Inderlal Lalwani. On the arrest of the petitioner, only two bags of rice were recovered from him. In fact, he runs a garment firm. As he is in custody since 27.02.2025 and the investigation stands completed but none of the 20 prosecution witnesses have been examined so far, the Trial of the present case is not likely to be concluded anytime soon. Therefore, he is entitled to the concession of bail, moreso, when the case is triable by the Court of a Magistrate.

4. The learned counsel for the State alongwith the counsel for the complainant, on the other hand, contend that petitioner alongwith his co-accused defalcated the complainant of a huge amount of money. One Prakash Machhlal Khatri is still absconding. There is every possibility of



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the petitioner absconding as well, in case, he is granted the concession of bail. They, however, concede that the petitioner is in custody since 27.02.2025 but none of the 20 prosecution witnesses have been examined so far and that the case is triable by the Court of a Magistrate.

5. I have heard the learned counsel for the parties.

6. This Court in the case titled as ***Maninder Sharma Vs. State Tax Officer, State, Mobile Wing, Jalandhar, Punjab bearing CRM-M24033-2021(O&M) Decided on 31.08.2022*** has held as under:-

“Therefore, broadly speaking (subject to any statutory restrictions contained in Special Acts) , in economic offences involving the IPC or Special Acts or cases triable by Magistrates once the investigation is complete, final report/complaint filed and the triple test is satisfied then denial of bail must be the exception rather than the rule. However, this would not prevent the Court from granting bail even prior to the completion of investigation if the facts so warrant.”

7. The veracity of the prosecution case against the petitioner and his co-accused shall be adjudicated during the course of the Trial. Admittedly, the petitioner is in custody since 27.02.2025 but none of the 20 prosecution witnesses have been examined so far. Therefore, the Trial in the present case is not likely to be concluded anytime soon. The present case is, however, triable by the Court of a Magistrate and no serious apprehension has been expressed by the State that the petitioner would abscond from justice, tamper with the evidence or influence witnesses if granted the concession of bail. Therefore, in this situation, the further incarceration of the petitioner is not required.



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8. Thus, without commenting upon the merits of the case, the present petition is allowed and the petitioner, namely, Rinku Jethwani is ordered to be released on bail to the satisfaction of the Trial Court/Duty Magistrate concerned.

9. The petitioner shall appear before the police station concerned on the first Monday of every month till the conclusion of the trial and inform in writing each time that he is not involved in any other case except the case(s) referred to in the present petition.

10. In addition, the petitioner (or anyone on his behalf) shall prepare an FDR in the sum of Rs.3,00,000/- and deposit the same with the Trial Court. The same would be liable to be forfeited as per law in case of the absence of the petitioner from Trial without sufficient cause.

11. The present petition stands disposed of.

July 23, 2025
sukhpreet

(JASJIT SINGH BEDI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No