

**FIR No.333 dated 09.09.2025
u/s 314(2), 318(4), 61 of BNS.
P.S.: Taraori, Karnal**

Present: Sh. Sant Ram, APP for the State.
Sh. Rajeev Sharma, counsel for applicant/accused.

**Vide this order, this court shall dispose of the bail application
filed by the applicant/accused Sandeep Pandey seeking regular bail u/s
480 of BNSS, 2023**

2. The **factual matrix** of the present case is that Complainant Gautam Kumar S/o Balram Singh gave a complaint that he was working as Plant Manager in Jugapro India Pvt. Ltd. situated at Khushkera, Bhiwari, District Alwar (Rajasthan) and he left the job in 2023 and thereafter started his business in the name of Fast Track Enterprises in Electric Scooter, Business, Bhiwari (Rajasthan), the brother-in-law of the Complainant namely Joginder Verma son of Shankar Lal met with Mukesh Kumar son of Mahipal, resident of District Jhunjnu (Rajasthan) and Mukesh and Joginder told to Complainant that the accused Rajbir gets money invested from the people in the business of rice trading and get sold on high profit, through which the Trader gets much profit, who is residing in Taraori. On dated 7.4.2025, Complainant met with Rajbir in Hotel Confront situated in Taraori, District Karnal along-with Mukesh and Joginder, where Rajbir told that he is dealing with rice and trading and many people are doing this business through him and he gets money invested and sell their rice in foreign and in this they get much profit and told him that you may invest money and you will get much profit, thereafter the accused Rajbir took them to his house, then Complainant and Mukesh, Joginder went to the Flat No.

A-204, Ras Basera, Taraori of Rajbir, which is near to the Hotel Confront, where Rajbir said how much you may earn in auto business, Complainant told that he earn Rs.40-50,000/-, on which Rajbir said you do rice business with them, in which you will huge profit and said that he export rice in foreign after taking it from Mills and work of quality control of rice for sending out, is with him by taking low rate rice and exporting in high rate rice, in which there is much profit, you invest money in this, you will get much profit and that all the responsibility will be of him, the wife of Rajbir namely Reena also told that you will get much profit in the rice business. Complainant told that he have not having a Firm for Trading and no licence for trading and he have no Visa for going to foreign, on which Rajbir stated that he has got very good relations with the authorities and he will get Firm your name and licence for rice trading in two three days and your Visa will be issued for which you have to give some money, after that Rajbir obtained Complainant's signature on some papers for making the Firm and also obtained signed copy of Complainant's Adhaar Card and PAN card and also obtained photo copy of Complainant's passport duly signed by Complainant for getting the Visa, in addition to this he also obtained Complainant's signature on various papers for making the Firm, Rajbir and his wife Reeja said that they are about to do the deal of Rs.100 crores with a big businessman, he will come back to India from foreign and will do business after purchasing rice from you on good price, in which you may invest amount as you like, your firm is to be made and your licence for trading is to be made for which you have to give Rs. 1,00,000/- and Rs.5,00,000/- for advance booking and said that you have to arrange 3-4 crores for doing the deal, when Complainant said that at this time he

have Rs.5,00,000/- and give you Rs.5,00,000/- and balance Rs.1,00,000/- will be given thereafter and Complainant gave Rs.5,00,000/- to Rajbir and Reena in the presence of Mukesh and Joginder. On dated 03.06.2025 Rajbir told on Whats App call that 21.06.2025 to 25.06.2025 the businessman namely Sandeep Sharma @ Nitin and Sunil are coming from foreign, who will meet you in Delhi or Bhiwari, you keep arrangement of money. On 22.6.2025, Rajbir told on Whats App call that 23.6.2025, he along with Sandeep Sharma @ Nitin and Sunil will meet you at Bhiwari on which he gave them address of Hotel Makhanbhog Banbirpur, Bhiwari and said that you may come there. On 23.6.2025, at about 12:15, Sandeep Sharma @ Nitin, Sunil, Rajbir and one unknown person who was driving the vehicle and one another person in vehicle marka Verna came there, who told that they have done deal of Rs.100 crore today and if you will invest 3-4 crores, you will get good margin and told that they have got Food Company in Dubai and UAE Amirat, in which they sell rice on high rates after getting it on low rates, in which profit is 300%, where talks went on for 3-4 hours, they said when you get arranged money you may come to Delhi to them you will get much profit. Rajbir said firm documents, trading licence and visa are also coming, you only arrange money and come to them, you will get much profit, that after Complainant talked with Nemi Chand Kumawat, he told that he has sold his plot No.9, Survey No.432, Plot measuring 693 Sq. Yds. And 579.34 sq. mtr. situated at Santosh Nagar Colony, Balaji Nagar under Jawahar Nagar, Municipal Corporation Kapra Mandal in amount of Rs.3.50 crores and he is having Rs.2.50crores at present and he will give Rs.2.50 to the Complainant and the profit in selling rice will get profit according to his share and will get

commission from the applicant, on which applicant obtained Rs.2.50crores from Nemi Chand Kumawat and sold his own flat tower L-2Unit C 10-504, Dubera, Behror, Kutumb apartment (Rajasthan) in the amount of Rs.20 lakhs. On 24.6.2025 Manoj Kumar and Joginder with Rs.2.70 crores reached at backside Hanuman Mandir, Karol Bagh, Delhi in their own vehicle and they gave Rs.2.70 crores in cash to Sandeep Sharma @ Nitin, Sunil and Rajbir, who assured them that the work will be done in 4-5 days and you will get your amount with profit very soon and from today their vehicle will be stalked in the name in Taraori and other places, which has been made in your name. After one month, Complainant talked with above persons, who have been postponing the matter and Rajbir switched off his phone, Complainant went to the house of Rajbir situated at Nissing where his wife Reena met and she gave him number of Rohit and Rohit said that your work is going on and very soon your trading account will be started and your whole money will be completed. Complainant smelt fraud and when enquired about Rajbir then came to know that earlier also Rajbir has done fraud in the name of rice business and FIR No.722/2014, under Sections 406, 420, 467, 471, 120-B IPC, P.S. City,Karnal, FIR No.1207, dated 28.12.2021, under Sections 406, 420, 467,471, 120-B IPC, P.S. Sadar, Karnal and FIR No.80, P.S. Pehowa, District Kurukshetra are registered. The accused persons are threatening of killing that he will be done if any complaint is made. Hence, it is prayed that strict legal action may kindly be taken against the aforesaid accused persons. Hence, the present FIR has been filed.

3. Now, the **present bail application** has been filed by the applicant/accused Sandeep Pandey whereby the learned counsel for the accused

vehemently argued that applicant/accused is in judicial custody since 17.12.2025. Applicant/accused has not committed any offence as alleged and has falsely been implicated in the present case. No overt act of cheating, misappropriation or inducement can be attributed to the applicant, especially when no recovery has been effected from him. Also, the final report against the accused has already been filed and the investigation is complete in the present case. Even the co-accused Rajbir has been granted bail by competent Court and therefore, he claims parity with the said accused. Furthermore, it is undertaken that applicant/accused will not misuse the concession of bail and will attend the Court regularly on each and every date of hearing, undertakes to abide by any terms and conditions imposed by the Court, is ready to furnish bail-bonds and surety bonds as directed by the Court, the application may be allowed. Hence, it is prayed that the present bail application may kindly be allowed, in the interest of justice.

4. **Upon notice**, copy of the bail application has been supplied to prosecution and written reply has been filed for the same and argued that keeping in view the gravity of the offence, the accused is not entitled for the concession of bail. Moreover, no parity can be claimed by the accused, due to difference in roles attributed to the accused persons. Also, there is a possibility that the accused will intimidate the witnesses and hamper the proper investigation of the present case. Therefore it is prayed that the bail application may be dismissed.

5. **This court has bestowed thoughtful consideration to the rival contentions of learned counsel for the applicant/accused and learned APP for the State in the light of the material placed on record.**

6. At this juncture, it is pertinent for this court to advert to the legal matrix surrounding the concept of bail in economic offences. As observed by **Justice V.R. Krishna Iyer**, the issue of bail is one of liberty, justice, public safety and burden of the public treasury, all of which insist that a developed jurisprudence of bail is integral to a socially sensitized judicial process. Though in principle, bail is a rule and jail an exception but there can be no straight jacket formula to assess an application for grant of bail and instead requires prudent balancing of numerous factors, like nature of the offence, the severity of the punishment and involvement of the accused in the offence. Hence, the 'tripod test' for granting bail, i.e flight risk, tampering with evidences and influencing witnesses shall be duly satisfied.

7. Apropos to the facts and circumstances of the present case, it appears that the accused has been alleged to have dishonestly deceived the complainant by fraudulently and dishonestly inducing them on the pretext of dealing in business of rice and committing offences punishable under Sections 314(2), 318(4) and 61 of BNS thereby causing wrongful loss of Rs.2.75 crores to the complainant. A perusal of the material placed on record reveals that the alleged allegations and offences are non-bailable, grave and economic offences in nature having serious consequences upon the society. The ripple effect arising from commission of alleged offences upon public at large as well as the estimated loss of Rs.2,75,00,000/- to the complainant by the alleged offences of

the accused cannot be blatantly overlooked. Moreover, mere filing of final report cannot be the sole ground for the purpose of granting bail; especially considering the nature and gravity of the offences involved. Even otherwise, the contention that the offences of criminal breach of trust and cheating are not made out, cannot be considered at the stage of deciding the bail application by conducting any elaborative inquiry upon merits thereof. Moreover, the accused cannot claim the benefit of parity along-with other co-accused, as different roles have been attributed to the said accused. Ergo, *in view of supra*, this court is of the considered view that the applicant/accused is not entitled to the concession of bail. **Accordingly, the bail application of the applicant/accused Sandeep Pandey is hereby dismissed, being devoid of any merit and sans substance.**

However, nothing in this order shall be misconstrued as a reflection on the merits of the present case.

Papers be tagged with the main case file.

Date of Order: 27.02.2026

(Ruhela Sharma)
Judicial Magistrate First Class
Karnal, (UID No. HR0567)

Typed by: Sonia Saini (Stenographer Gr. II)

Present: Sh. Sant Ram, APP for the State.
Sh. Rajeev Sharma, counsel for applicant/accused.

Arguments on the bail application heard. Vide separate order of even date, bail application is hereby dismissed, **being devoid of any merit and sans substance. . Papers be tagged with the main case file.**

Date of Order: 27.02.2026

(Ruhela Sharma)
Judicial Magistrate First Class
Karnal, (UID No. HR0567)

Typed by: Sonia Saini (Stenographer Gr. II)