

ITEM NO.7

Court 3 (Video Conferencing)

SECTION II

**S U P R E M E C O U R T O F I N D I A**  
**RECORD OF PROCEEDINGS**

**Petition(s) for Special Leave to Appeal (Crl.) No.4216/2020**

**(Arising out of impugned final judgment and order dated 02-03-2020 in SBCRMSBA No. 2712/2020 passed by the High Court of Judicature for Rajasthan at Jaipur)**

**JIGAR JOSHI**

**Petitioner(s)**

**VERSUS**

**THE STATE OF RAJASTHAN**

**Respondent(s)**

**(With appln.(s) for I.R. and IA No.87595/2020-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.87594/2020-EXEMPTION FROM FILING O.T.)**

**Date : 09-12-2020 These matters were called on for hearing today.**

**CORAM :**

**HON'BLE DR. JUSTICE D.Y. CHANDRACHUD**  
**HON'BLE MS. JUSTICE INDU MALHOTRA**  
**HON'BLE MS. JUSTICE INDIRA BANERJEE**

**For Petitioner(s)**

**Mr. M. M. Kashyap, AOR**

**For Respondent(s)**

**Ms. Gurkirat Kaur, Adv.**  
**Ms. Ashiya, Adv.**  
**Mr. Milind Kumar, AOR**

**UPON hearing the counsel the Court made the following**  
**O R D E R**

- 1 The petitioner is facing trial for offences punishable under Section 406 read with Sections 120B and 420 of the Indian Penal Code.
- 2 In support of the plea for enlarging the petitioner on bail, Mr M M Kashyap, learned counsel submits that the petitioner is entitled to parity with Sandeep,

a co-accused, who was granted bail by this Court by an order dated 12 July 2019 in Criminal Appeal No 1043/2019. Moreover, it has been stated that two other co-accused were granted bail by the High Court.

- 3 A counter affidavit has been filed on behalf of the State of Rajasthan, in which it has been stated that as many as 12 criminal cases are pending against the petitioner, details of which have been tabulated as follows:

| Sl No. | FIR No./dated  | Sections                       | Police Station                               | CS No./filing date |
|--------|----------------|--------------------------------|--|--------------------|
| 1      | 383/29.04.2017 | 420, 467, 468, 34<br>IPC       | Khate Gaon<br>Dewas, Madhya<br>Pradesh       | 763/24.10.2017     |
| 2      | 739/31.07.2017 | 420, 467, 468, 34<br>IPC       | Khate Gaon<br>Dewas, Madhya<br>Pradesh       | 953/24.10.2017     |
| 3      | 740/21.07.2017 | 420, 467, 468, 34<br>IPC       | Khate Gaon<br>Dewas, Madhya<br>Pradesh       | 952/24.10.2017     |
| 4      | 741/21.07.2017 | 420, 467, 468, 34<br>IPC       | Khate Gaon<br>Dewas, Madhya<br>Pradesh       | 955/24.10.2017     |
| 5      | 742/21.07.2017 | 420, 467, 468, 34<br>IPC       | Khate Gaon<br>Dewas, Madhya<br>Pradesh       | 954/24.10.2017     |
| 6      | 743/21.07.2017 | 420, 467, 468, 34<br>IPC       | Khate Gaon<br>Dewas, Madhya<br>Pradesh       | 957/24.10.2017     |
| 7      | 744/21.07.2017 | 420, 467, 468, 34<br>IPC       | Khate Gaon<br>Dewas, Madhya<br>Pradesh       | 956/24.10.2017     |
| 8      | 73/2017        | 420, 467, 468, 34<br>IPC       | Sarkhej Distt.<br>Ahmadabad,<br>Gujarat      | 104/22.09.2017     |
| 9      | 3461/2013      | 507, 506(2) IPC                | Naroda Distt.<br>Ahmadabad,<br>Gujarat       |                    |
| 10     | 110/09.04.2017 | 420, 406, 114,<br>506 IPC      | Sola Distt.<br>Ahmadabad<br>Gujarat          | 8570/2017          |
| 11     | 226/09.05.2017 | 420, 467, 468,<br>471, 406 IPC | Agra Distt. Agra<br>Malwa, Madhya<br>Pradesh | 403/31.08.2017     |

|    |                |                       |                                   |                |
|----|----------------|-----------------------|-----------------------------------|----------------|
| 12 | 175/01.05.2017 | 420, 406, 120B<br>IPC | Anandpura Kota<br>State Rajasthan | 316/18.11.2017 |
|----|----------------|-----------------------|-----------------------------------|----------------|

- 3 Ms Gurkirit Kaur, learned counsel appearing on behalf of the State of Rajasthan submits that the petitioner is a habitual offender, as indicated by the cases pending against him and that there is a real likelihood of the petitioner committing similar offences if he is enlarged on bail. Learned counsel submits that there is a clear distinction between the cases of the co-accused (including the co-accused who was enlarged on bail by this court) and the petitioner. It was urged that the petitioner is the main accused who is responsible for the alleged transactions which form the basis of the offence for which he is being prosecuted, namely, the purchase of agricultural goods in the name of different firms, amounting to a total value of Rs 2.41 crores. It has been found that the firms in whose names the goods were purchased are fake.
- 4 In the facts noticed earlier, including the other criminal cases pending against the petitioner, no case for interference with the order of the High Court refusing bail is made out. Conscious as this court is of the fact that the petitioner has undergone about three years of custody as an under trial, we are of the view that it would be appropriate in the facts of this case to direct that the trial be expedited and be concluded within a period of six months from today. In the event that the trial is not concluded by then, we grant liberty to the petitioner to make a renewed application for bail before the competent court.
- 5 The Special Leave Petition is accordingly dismissed.
- 6 Pending applications, if any, stand disposed of.

**(CHETAN KUMAR)**  
**A.R. -cum-P.S.**

**(SAROJ KUMARI GAUR)**  
**Court Master**