

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-21020 of 2016

Date of Decision: October 21, 2016

Sachin Bansal

...Petitioner

Versus

State of Haryana

...Respondent

CRM-M-35002 of 2016

Vipin Bansal

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. R.S. Rai, Senior Advocate
with Mr. R.D. Gupta, Advocate
for the petitioners.

Mr. Deepak Sabherwal, Addl.A.G, Haryana.

Mr. Akashdeep Singh, Advocate
for the complainant.

FATEH DEEP SINGH, J.

The above said two bail applications, one anticipatory bail under Section 438 Cr.P.C of petitioner/accused Sachin Bansal and regular bail application under Section 439 Cr.P.C of his brother accused/petitioner Vipin Bansal having arisen out of the same FIR and plethora of akin allegations for the sake of brevity are, thus, being disposed off together.

The allegations precisely are that petitioner Sachin

Bansal was working as AGM (Commercial) with complainant Company M/s ASF Insignia SEZ Pvt. Ltd, a company with which the present complainant Kushal Suri is also associated, who was directly under the control of Mr. Sanjay Pahuja, General Manager, who happens to be his boss.

The allegations in brief are that Vipin Bansal-petitioner real brother of Sachin Bansal-petitioner floated a ghost firm under the name and style M/s Dimpay Enterprises, a sole proprietorship concern. The complainant Company had deputed Mr. Sandeep Srivastva, a primary vendor and it is during the course of running of the business petitioner Sachin Bansal was deputed the task of procurement of inviting bids from prospective vendors and selection of an appropriate vendor for supply of certain commodities. The allegations against the petitioner-Sachin Bansal are that he adopted unethical means and by manipulating quotations granting tender to the firm owned by his brother Vipin Bansal co-accused and, thus, caused huge financial loss to the company and out of the total contract of Rs.70 lacs it is alleged that petitioner has unduly made gain of Rs.28 lacs.

Mr. Rai, Senior counsel assisted by Mr. R.D. Gupta, Advocate submitted that the petitioner Sachin Bansal during the course of processing of the tender had duly intimated through e-mail his superior including the present transaction involving Rs.700 cum. of broken AAC blocks at the site of the complainant and has sought to place reliance on Annexure P/5 regarding this factum of activities and has argued that it was the company voluntarily of its own had accepted the quotation and given due sanction under the rules and procedure governing the Company.

The bail application is opposed by the learned State counsel assisted by learned counsel for the complainant on the grounds that petitioners by their acts caused financial loss to the company and have acted in a gross fraudulent manner and have falsely set up another firm under the name and style M/s J.K. Luxmi to manipulate bid and, thus, their custodial interrogation is very much essential in view of the seriousness of the offence.

Appreciating the submissions a bare perusal of these

allegations shows that there has been due recourse to the procedure of the complainant Company by the petitioner Sachin Bansal, who while working and conducting his duties as AGM (Commercial) had been duly intimating his immediate boss Mr. Sanjay Pahuja, General Manager of the complainant Company which is reflected from the various copies of the documents by way of hard copies of the e-mail so transacted between them and who was the ultimate authority to allow or disallow the quotation and, thus, have no role apparently to play. It is squarely accepted by the learned counsel for the complainant and the learned State counsel that neither there is allegation of any embezzlement and the entire allegations harbour around the suspicion that the petitioner had amassed wealth are no grounds to substantiate these allegations at this juncture. Nothing is to be recovered from the petitioner as the documents are there on the records and so is movable and immovable assets and that no useful purpose shall be served by his detention and, thus, he is not required for custodial interrogation. In view of which petition for grant of anticipatory bail to the petitioner-Sachin Bansal is allowed. In the event of arrest of the petitioner he be admitted to bail to the satisfaction of the arresting officer/Investigating Officer and that he shall abide by the conditions as envisaged under Section 438(2) Cr.P.C.

Learned counsel for the petitioners submits that petitioner Vipin Bansal is in custody since 11-8-16. In view of which and keeping in view that trial is not likely to be concluded in near future and no useful purpose would be served by keeping the petitioner behind the bars, without adverting anything on the merits of the case, the present petition for grant of regular bail is allowed. Petitioner be admitted to bail to the satisfaction of the trial Court.

Both the petitions stand allowed.

(FATEH DEEP SINGH)
JUDGE

October 21, 2016

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Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No