

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

CRM-M No.30730 of 2015 (O&M)

Date of Decision: 05.04.2016

Ajit Kumar Sen

..... Petitioner

Vs.

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. Mukesh Rao, Advocate for
Mr. Ankur Lal, Advocate for the petitioner.

Mr. Kuldeep Tiwari, Additional Advocate General, Haryana
for the respondent/State assisted by A.S.I. Loveleen Kumar.

Mr. Rajesh Lamba, Advocate for the complainant(s).

JASWANT SINGH, J. (Oral)

The prayer is for grant of anticipatory bail under Section 438 Cr.P.C. to the petitioner/accused-Ajit Kumar Sen in case FIR No.338 dated 13.08.2015, under Sections 420, 406, 120-B of the Indian Penal Code, registered with Police Station Sector 31, Faridabad.

This Court while passing the order dated 10.09.2015 had passed the following order:-

“ Contends that wife of the petitioner, at the asking of the members had been maintaining accounts of the committee for the betterment and welfare of all the members. Certain members did not make contribution, therefore, the necessary benefit could not be passed on to the members. The petitioner has already sold his two properties and to discharge his liability is in the process of selling further properties. He undertakes to settle the accounts with all members of the committee at the earliest.

Notice of motion for 12.10.2015.

Meanwhile, in the event of arrest of the petitioner by the Arresting Officer, he shall be released on interim bail subject to the following conditions:-

1. That he shall make himself available for interrogation by a

police officer as and when required;

2. That he shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer and;

3. That he shall not leave India without previous permission of the Court. ”

Learned State Counsel, assisted by ASI Loveleen Kumar and learned Counsel for the complainant(s), points out that on each successive day, the petitioner was afforded an opportunity to refund the amount to the aggrieved investors. Even on the last date, the petitioner was directed to deposit the amount before the trial Court subject to the ultimate decision of the trial to secure the interest of the aggrieved investors.

At the time of hearing, learned Counsel appearing for the petitioner submits that there are vague allegations by the complainant(s) without specify as to what actual amount was due. It is further argued that the co-accused wife of the petitioner was arrested and all the documents were collected by the Investigating Agency and as such, nothing is to be recovered from the present petitioner.

After hearing learned Counsel for the parties, no case for grant of anticipatory bail to the petitioner is made out. It is apparent from the first order dated 10.09.2015 that the indulgence was shown subject to the petitioner settling the amounts with the aggrieved investors/members of the Committee. For almost more than 07 months, no effort has been made to deposit the amount and settle the matter with the complainant(s).

Accordingly, the present petition stands dismissed.

April 05, 2016

Gagan

(JASWANT SINGH)

JUDGE