

*IN THE HIGH COURT FOR THE STATES OF PUNJAB
AND HARYANA AT CHANDIGARH.*

Cr. Misc. M 7467 of 2016

Date of decision: 12.4.2016

Manish Vij

Petitioner

vs.

State of Haryana

Respondent

Present: Mr. Sunil Chada, Sr. Advocate with
Mr. Ashwani Bhardwaj, Advocate.
Mr. GS Salwara, DAG, Haryana
Mr. Manav Gupta, Advocate.

M.M.S.BEDI,J.

The petitioner seeks the concession of pre-arrest bail in a case registered at the instance of Vice President, HSIL Company Ltd.. As per the allegations, the petitioner was working at a high position in the complainant's company and was authorised to facilitate the payments made by the overseas customers for the purchase of sanitary products from the complainant's company. The petitioner allegedly connived with his wife and other co-accused and misappropriated a sum of Rs. 1.50 crore by opening three fictitious companies on his name by raising forged bills/ invoices to make payments due in the accounts of those fictitious companies by showing that those companies were owned by the complainant's company, whereas those companies were actually in the name of the petitioner, his wife and other family members, without the knowledge of the HSIL Company.

Counsel for the complainant has intervened to oppose the petition for pre-arrest bail contending that the allegations against the petitioner are very serious and that he has fabricated a number of

documents to cause wrongful loss to the company of the complainant.

I have heard counsel for the parties and gone through the police record. It appears that the petition for pre-arrest bail, filed by the petitioner and his wife, was dismissed by a co-ordinate Bench of this court. The petitioner was not able to get any relief by filing a SLP before the Apex Court, during the pendency of the investigation. It is apparent that after the completion of the investigation, the investigating agency has opted to file a cancellation report on 29.12.2013 creating a new circumstance to enable the petitioner to approach this court again for pre-arrest bail. It is apparent that when the cancellation report was presented before the Area Magistrate, the learned Magistrate in exercise of powers u/s 190(1)(b) Cr.P.C. has opted to summon the petitioner as an accused by issuing non bailable warrants against him. The above said circumstance indicates that dual version regarding the culpability of the petitioner has already cropped up and that the liability of the petitioner is a combination of civil as well as criminal nature, entitling the complainant to avail both the remedies against the petitioner for enforcement of his civil and other rights. It is an admitted fact that a suit for recovery of sum of Rs. 3.8 crore along with interest has been filed by the complainant in the Delhi High Court. The said case is stated to be at penultimate stage, being at rebuttal evidence stage. It is pertinent to mention that pursuant to the interim order passed by this court, the petitioner has complied with the directions of the learned Magistrate and appeared before the court.

Counsel for the complainant has raised an apprehension that the petitioner and his wife, being citizens of Uganda, are likely to abscond to evade the civil as well as criminal liability.

Taking into consideration the above said circumstances, I am

of the opinion that the petitioner can be granted the concession of pre-arrest bail subject to reasonable conditions by striking a balance between the liberty of the petitioner and the right of the complainant and the State.

The petition is allowed and it is ordered that in case of arrest of the petitioner or his appearance before the Magistrate, he will be released on bail to the satisfaction of the said court or the arresting officer subject to the following conditions:-

- 1) The petitioner shall not defy any order passed by the Magistrate and will continue to appear before the court concerned.
- 2) He will not hamper the production of evidence, in accordance with law by the complainant.
- 3) The petitioner will leave India only after intimating the court concerned, which has opted to take cognizance as per the provisions of Section 190(1)(b) Cr.P.C., intimating the specific dates of departure and return.

April 12 ,2016
TSM

(M.M.S.BEDI)
JUDGE