

203 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-15221-2016(O&M)

Date of decision: 05.09.2017

Ashok Aggarwal

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. V.K.Jindal, Sr. Advocate with
Mr. B.S. Saroha, Advocate
for the petitioner.

Mr. Naveen Kaushik, Addl. A.G, Haryana.

Mr. Pritam Saini, Advocate
for applicants No. 1 to 49.

Mr. M.S.Randhawa, Advocate
for complainant No.13.

Mr. Ram Chander, Advocate
for complainant – respondents No.9, 54 and 124

Mr. Ashish Grewal, Advocate
for complainant-respondents No.34 and 58

Mr. Gautam Kaile, Advocate
Mr. Vineet Chaudhary, Advocate
Mr. S.C.Nagpal, Advocate,
Mr. G.S.Sullar, Advocate
Mr. J.S.Saini, Advocate
Mr. J.P.Sharma, Advocate
Mr. Mohinder Singh, Advocate
Mr. Saroj Malakar, Advocate,
Mr. B.S.Chahal, Advocate
Mr. Gurmandeep Singh Sullar, Advocate
Mr. Balwinder Singh, Advocate
Mr. Fateh Saini, Advocate
for the complainant(s).

ARVIND SINGH SANGWAN, J. (ORAL)

CRM-26934-2017

This is an application for exemption from filing the certified/true
typed copies and Annexures and place on record the photocopy of vernacular
of Annexure R-1.

CRM-M-15221-2016(O&M)

Hemlata
2017-09-28 10:59
I attest to the accuracy and
integrity of this document

Application is allowed. Annexure R-1 is taken on record.

CRM-26935-2017

Application under Section 482 Cr.P.C. is for impleading the party complainant, namely, Piyare Lal, as respondent No.2 in the present petition.

For the reasons stated in the application, the same is allowed and the complainant, namely, Piyare Lal be impleaded as respondent No.2 in the memo of parties. Necessary amendment be made by the registry.

CRM-27656-2017

This is an application for permission to place on record the affidavit of the petitioner as copy of Annexure A-1.

Application is allowed. Annexure A-1 is taken on record.

CRM-M-15221-2016(O&M)

The instant petition has been filed under Section 439 Cr.P.C. for grant of regular bail in case FIR No.348 dated 26.10.2015, under Sections 406, 420, 120-B IPC, registered at Police Station Ambala Cantt., District Ambala.

Vide order dated 27.05.2016, the petitioner was granted three months' interim bail commencing from 30.05.2016 upon imposing stringent conditions as per the satisfaction of the trial Court including that the petitioner will surrender his passport. The interim bail was granted by this Court on the submissions made by counsel for the petitioner that apart from 57 persons, no other investor had come forth to lodge complaint against the petitioner. Thereafter, the interim concession granted to the petitioner was ordered to continue in the intervening period. The complainant and others have either approached the police authorities or filed miscellaneous applications as well as petition under Section 482 Cr.P.C. before this Court for impleading themselves as complainant or as witness in this case. Vide order dated 20.02.2017, it was noticed that total 99 victims (inclusive of original 57) have come to claim their

amount. Thereafter, on 24.05.2017, it was noticed that the petitioner is ready and willing to put to auction all the properties owned by him as well as his spouse, except his residential house, to make settlement with the victims. Thereafter, the case was adjourned to 14.07.2017 with a direction to the Tehsildar to seal the properties of the petitioner and furnish the details of the same. Thereafter, on 14.07.2017, it was submitted by counsel for the complainants that a huge amount in the shape of deposit, from the complainant (s) was obtained by the petitioner, which has not been returned back and it was submitted on behalf of the complainant(s) that either the properties owned by the petitioner or his wife are sold or are transferred in the name of close relatives of the petitioner or even after lodging of the complaints; even after registration of the FIR; even after grant of interim bail by this Court vide order dated 27.05.2016. It is thus submitted by counsel(s) of the complainants that petitioner is misusing concession of interim bail, the case was adjourned to enable the petitioner to furnish an undertaking on behalf of his wife in the shape of an affidavit that she has no objection if the properties owned by her are sold to refund the amount to the complainants.

Learned State counsel has also sought time to submit a report from the Tehsildar regarding the evaluation of the properties held by the petitioner on the date of registration of FIR and the petitioner was also directed to give details of all the properties and the statements of the bank accounts etc. including the details of any property sold by him on the date of registration of the FIR and subsequent thereto.

Today learned State counsel has apprised this Court that petitioner has given detail of only one property, which is merely of 4 kanals and 4 marals and the learned counsel appearing for the complainants have again submitted that the petitioner has already sold the entire properties and as such, he is

misleading the Court.

In reply, learned counsel for the petitioner submits that he has already filed an application i.e. CRM No. 27656 of 2017 and he has given the complete details of 7 properties sold by him as well as 5 properties including his residential house which are still remaining with the petitioner. It is further submitted that the petitioner has also given details of his bank accounts and has prayed that he may be granted more time for settling the claim of the complainant(s).

After hearing learned counsel for the parties, it is apparent that the petitioner has been granted sufficient long time in the shape of interim bail that is w.e.f. 27.05.2016 onwards, to settle the claim and no substantive efforts are shown to be made by the petitioner for settlement of the claims.

Accordingly, this petition is disposed of with a direction to the petitioner to settle the claim with the complainants within a period of 45 days from today and failing which, the petitioner will surrender before the trial Court on 23.10.2017. However, it will be open to the petitioner to apply for regular bail in case, later on if the claims of the victims are settled and they file an affidavit in this regard and the petitioner will be at liberty to file a fresh bail application in accordance with law on any other fresh ground.

05.09.2017
Hemlata

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes / No
Yes / No