

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-37008 of 2018
Date of Decision: 22.10.2018

Arvind Rao

....Petitioner

VERSUS

State of Haryana

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Ashok Kumar Jindal, Advocate
for the petitioner.

Mr. Amrik Narwal, DAG, Haryana.

SURINDER GUPTA, J.(Oral)

The present petition has been filed under Section 439 Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No.308 dated 01.04.2017 registered for offences punishable under Sections 406/420/467/468/471/120-B/201/34 of Indian Penal Code (for short, "IPC") and 66 of Information Technology Act, at Police Station City Gurugram, District Gurugram.

Heard.

Learned counsel for petitioner submits that the petitioner was an employee of M/s Clandestine Live Network against which there are allegations that it had swindled hundreds of crores of public money. The petitioner was a salaried person and had also taken loan from his company to pay off his loan taken from Muthoot Finance.

Learned State counsel submits that petitioner was I.T. Head of the company and was managing entire dealings of the company with the public. His status was not only of an employee and a sum of ₹7,56,000/- was paid to him within a period of two months i.e. from 04.11.2016 to 21.01.2017.

During investigation no evidence has come on record that petitioner was having any control over the functioning of M/s Clandestine Live Network, which had I.T. based business and the payments were being made to the account of company and not in the account of petitioner. He

was arrested in this case on 28.04.2018 and after completion of investigation challan against him has been presented in Court. The police is still investigating the role of other persons involved in this case and may present supplementary challan.

Without expressing any opinion on merits of the case and keeping in view the fact that conclusion of trial will take considerably long time, the present petition is allowed. Petitioner-Arvind Rao is ordered to be released on regular bail on furnishing bail bond and surety bond to the satisfaction of concerned trial Court/Chief Judicial Magistrate/Duty Magistrate, subject to following terms:-

- (a) The petitioner shall comply with the conditions mentioned in Section 437(3) Cr.P.C.
- (b) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn. The trial Court shall be competent to cancel his bail bond and surety bond and proceed to procure his presence in accordance with law. In that eventuality the petitioner shall have to apply for bail afresh.
- (c) He shall not leave the country without the previous permission of the Court.

October 22, 2018
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No