

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

(I)

CRM-M-43274-2018
Date of Decision:21.2.2019

Naresh Kumar Ahlawat

.....Petitioner

Versus

State of Haryana

.....Respondent

(II)

CRM-M-45323-2018

Poonam Puri

....Petitioner

Versus

State of Haryana

....Respondent

CORAM : HON'BLE MR.JUSTICE GURVINDER SINGH GILL

Present: Mr. Birender Singh Rana, Senior Advocate with
Ms. Divya Bajaj, Advocate for the petitioner,
in CRM-M-43274-2018.

Mr. Sant Pal Singh Sidhu, Advocate
for the petitioner in CRM-M-45323-2018.

Mr. Ashok Singh Choudhary, Addl. A.G., Haryana.

Mr. Ashit Malik, Advocate for the complainant.

GURVINDER SINGH GILL, J. (ORAL)

1. This order shall dispose of the aforementioned petitions filed on behalf

of Naresh Kumar Ahlawat and Poonam Puri seeking anticipatory bail in respect of FIR registered against them vide FIR No.1300 dated 19.09.2018 under Sections 166, 174-A, 218, 221, 120-B of Indian Penal Code, 1860, Police Station Panipat City, District Panipat.

2. The FIR in the present case was registered at the instance of Nitin Sharma wherein it has been alleged that he himself is an accused in FIR No.336 dated 28.07.2010 under Sections 403, 405, 408, 409, 411, 467, 471, 477-A, 420, 120-B, 477 of Indian Penal Code, 1860, Police Station Model Town, Panipat and that out of the four accused, three including the complainant Nitin Sharma are on bail and challan had been filed against them. It is stated therein that the complainant Nitin Sharma had been granted bail after 2 years and even the co-accused Parveen Pushkar and Rajiv Puri had been granted bail after they had remained in custody for several months. It is alleged that the fourth accused namely Poonam Puri had however been declared a proclaimed offender and her application for grant of anticipatory bail had been dismissed upto the Hon'ble Supreme Court. It is alleged therein that subsequently said Poonam Puri surrendered before the trial Court on 17th March, 2018 and on the same very day, Sh. Naresh Kumar Ahlawat, DSP was present in the Court and Poonam Puri was asked to join investigation and who submitted his report shortly thereafter in the Court. It is alleged that the police however neither sought the police remand nor judicial remand of Poonam Puri, although the allegations pertained to a fraud of more than ₹7 crores and consequently Poonam Puri was released on bail on the same day itself. The complainant thus

alleged that the police had conspired to get Poonam Puri released on bail, although huge amount was involved in the case while co-accused had been granted bail after having spent years in jail.

3. The learned counsel for the petitioners have submitted that all the offences as mentioned in the FIR are bailable except for offence punishable under Section 174-A of Indian Penal Code, 1860 and that in any case offence under Section 174-A IPC would not be attracted in case of the petitioner-Naresh Kumar Ahlawat and at best can be said to be attracted to the case of Poonam Puri who had been declared a proclaimed offender and since even she has now been appearing before the trial Court, therefore, both the petitioners deserve the concession of anticipatory bail.
4. Opposing the petitions, learned State counsel assisted by learned counsel for the complainant has submitted that in view of the seriousness of the case where DSP Naresh Kumar Ahlawat had helped Poonam Puri to get bail, there is no case for taking any lenient view in the matter. A prayer has thus been made for dismissal of both the petitions.
5. I have considered rival submissions addressed before this Court. No doubt the enormity of the scam is certainly a matter to be borne in mind while considering grant of anticipatory bail. However, present case pertaining to the allegations against Naresh Kumar Ahlawat to the effect that he had helped Poonam Puri to get bail from the Court and had not insisted on seeking any police or judicial remand. However all said and done, the offences i.e. under Sections 166, 218, 221, 120-B

IPC are all bailable offences and offence punishable under Section 174-A of Indian Penal Code, 1860 would not be attracted to the case of Naresh Kumar Ahlawat. Although in the case of Poonam Puri, offence punishable under Section 174-A of Indian Penal Code, 1860 is attracted but bearing in mind the fact she is already appearing before trial Court in respect of the main case i.e. FIR No.336 dated 28.07.2010 under Sections 403, 405, 408, 409, 411, 467, 471, 477-A, 420, 120-B, 477 of Indian Penal Code, 1860, Police Station Model Town, Panipat, in my opinion, it is a fit case for grant of anticipatory bail. The petitions, as such are accepted and interim directions issued vide order dated 01.10.2018 passed in CRM-M-43274-2018 and order dated 12.10.2018 passed in CRM-M-45323-2018 are made absolute subject to the condition that the petitioners would appear before Investigating Officer as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C.

6. The petitions are accepted in the abovementioned terms.
7. It is, however, clarified that none of the observations made above shall be construed to be an expression on merits of the main case.

(GURVINDER SINGH GILL)
JUDGE

21.2.2019
Gaurav Sorot

Whether reasoned / speaking?	Yes / No
Whether reportable?	Yes / No