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IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CRM-M-41245-2019 (O&M)  
Date of decision-16.11.2019

Ajay Kumar Menon

....Petitioner

Vs.

State of Punjab

...Respondent

**CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ**

Present: Mr. Vikram Chaudhry, Senior Advocate with  
Mr. Sangram Saron, Advocate for the petitioner.

Mr. Kirat Singh Sidhu, DAG, Punjab.

Mr. HPS Sandhu, Advocate for the complainant.

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**MANOJ BAJAJ, J.**

**CRM-30518-2019**

Application is allowed as prayed for.

Annexures P-22 to P-24 are taken on record.

**Main case**

Petitioner-Ajay Kumar Menon has prayed for grant of regular bail under Section 439 Cr.P.C in case FIR No.114 dated 23.05.2018 registered under Section 420 of Indian Penal Code, 1860 at Police Station Kotwali, Bathinda, Punjab. The petitioner is in custody since his arrest on 01.09.2018.

The FIR was registered on the statement of complainant, namely, Vishal Goyal son of Sh. Dev Raj Gupta, wherein it was alleged

that Appsdaily Solutions Private Limited through Arun Menon, Managing Director, caused financial loss to the complainant. Complainant is sole proprietor of M/s Goyal Distributors. In October 2013, Rajiv Sharma, an employee of above-said company came to him and informed that accused-company was engaged in the business of Mobile Insurance and asked him to take the distributorship of District Bathinda. As per the allegations, the amount has been paid to the accused-company and the complainant became super stockist of the above-said company. He used to deposit ₹5-7 lakhs with the company and being super stockist, used to take stock of ₹40-50 lakhs and payment thereof was made by him to the company. Further, Arun Menon was to make payment of ₹1.20 crores and about ₹30 lakhs are due against the claim of mobile phones of customers, claim and amount deposited by the customers, but no such amount has been paid by Arun Menon to the complainant.

Learned Senior counsel appearing on behalf of the petitioner contends that after completion of investigation, final report was submitted before the Court on 30.10.2018. He submits that during pendency of the investigation a writ petition bearing No.22832-2018 seeking transfer of investigation was filed before this Court by Arun Kumar Menon, brother of the petitioner, wherein notice of motion was issued on 13.09.2018. He submits that writ petition was finally decided vide order dated 17.11.2018 and the investigation of the case was handed over to Bureau of Investigation, Punjab. It is pointed out that after completion of investigation by Bureau of Investigation, a cancellation report was submitted before the Court on

27.05.2019, in respect of all the accused including the petitioner. He submits that the petitioner is no more required for investigation and in the given facts, he deserves the concession of bail particularly when all the other co-accused have been released on regular bail.

On the other hand, prayer is opposed by learned counsel for the complainant as well as by learned State counsel who is assisted by ASI Gurmeet Singh. Learned State counsel has filed status report by way of an affidavit of Sarabjit Singh, PPS, Assistant Inspector General of Police, Litigation, Bureau of Investigation, Punjab wherein factual aspects as narrated by learned Senior Counsel appearing on behalf of the petitioner have not been disputed. It is not disputed by learned State counsel that there are two conflicting reports in the above FIR filed by two different agencies. As per the status report, the petitioner was indicted as accused on the strength of Section 120-B IPC alone.

Learned counsel appearing on behalf of the complainant has argued that the charges in the case were framed on 22.04.2019 and the application for discharge filed by the petitioner was also declined. He refers to the order dated 22.04.2019 (Annexure P-23). He further contended that the cancellation report filed by Bureau of Investigation has been rejected and the petitioner cannot derive any benefit of this fact.

At this stage, learned Senior Counsel for the petitioner has submitted that while rejecting the cancellation, the Magistrate has ordered further investigation. It is argued that the prosecution case itself lacks clarity & certainty and therefore, the petitioner cannot be kept behind the bars

endlessly.

After hearing learned counsel for the parties and considering the custody of the petitioner, which is more than a year, this Court does not find any reason to further detain the petitioner behind the bars. Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court concerned.

The petition is allowed.

(MANOJ BAJAJ)  
JUDGE

16.11.2019  
vanita

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|-----------------------------|-----|----|
| Whether speaking/reasoned : | Yes | No |
| Whether Reportable :        | Yes | No |