

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-9254-2020 (O&M)

Date of Decision: 08.10.2020

Vishal Chaudhary

... Petitioner

VS.

State of Haryana

... Respondent

CORAM: HON'BLE MR.JUSTICE GIRISH AGNIHOTRI

Present: Mr. Gautam Dutt, Advocate,
for the petitioners.

Mr. Rajiv Goel, DAG Haryana

GIRISH AGNIHOTRI, J. (Oral)

The matter has been taken up through video conferencing on account of lockdown due to outbreak of COVID-19 pandemic.

This order shall dispose of two criminal miscellaneous petitions i.e. (i) **CRM-M-9254-2020 (Vishal Chaudhary vs. State of Haryana)**; and (ii) **CRM-M-27787-2020 (Bhisham Chauhan vs. State of Haryana)**; *inter alia*, praying for grant of regular bail to them in case FIR No.674 dated 12.12.2017 under Sections 406/420/467/468/120-B IPC and Section 3 of the Haryana Protection of Interest of Depositors in FE Act, 2014, registered at PS Kotwali, Faridabad. CRM-M-9254-2020 is being treated as the lead case for the purposes of order.

Learned counsel for the petitioner, at the outset, submits that the co-accused, namely, Surender in the same FIR i.e. FIR No. 674 dated 12.12.2017 and vide the same order dated 18.08.2020, passed by this Court, petitioner-Vishal Chaudhary and Khadag Singh @ Kharak Singh @ Kharki @

Khadak Singh @ Deepak, in another FIR No.1452 dated 05.12.2017, have been granted regular bail.

Learned counsel for the petitioner by making reference to the contents of the FIR submits that the allegations are primarily against the company. It has been further alleged in the FIR that it was made known to the public that the company is launching Electronic item (LED) in the market and for getting the same, a sum of Rs.1000 is to be deposited in the company for 17 months and after 17 months the company shall give 40 inch LED.

Learned counsel then makes reference to the Para 7 of the order passed by the Additional Sessions Judge, Faridabad dated 05.02.2020 wherein it has been noticed that in the reply filed before the Court, it was submitted that an alleged amount of Rs.22,48,46,700/- has been grabbed after cheating the public at large. It has been further noticed that LEDs worth approximately Rs.68,64,483/- were delivered, however, the remaining amount has been allegedly misappropriated. Different amounts have been allegedly mentioned which have been credited in the accounts of the petitioners herein.

Learned State counsel, on instructions from SI Ishwar Singh, submits that in the case of Vishal Chaudhary, the date of his arrest is 19.03.2019. Charges were framed on 03.10.2019. There are a total of 107 witnesses and none have been examined till date. He submits that there are five other FIRs against the petitioner. Regarding petitioner-Bhisham Chauhan, learned State counsel submits that the date of his arrest is 14.05.2019. In his case also there are five FIRs against him.

Faced with this situation, learned counsel for the petitioner(s) submits that the petitioners are the persons of means and have good reputation in the society. They have already undergone more than one year of custody.

Counsel for the petitioners then submits that due to COVID

situation retention of the petitioners in jail is dangerous to their life and otherwise also the trial is likely to take some time.

In view of the above, learned counsel for the petitioner(s) submits that he has instructions from the petitioners and their relatives to submit that they in order to show their bona fide, petitioners would either give bank gaurantee or original papers of the property worth Rs.68 lacs each (with an undertaking that the they would not sale the said property during the pendency of the case) within one month from the date of their release before the Duty Magistrate/trial Court which await further orders of the Court.

In view of the above, this Court deems it appropriate to release the petitioners on regular bail subject to their furnishing adequate bail bonds/surety bonds to the satisfaction of the Duty Magistrate/trial court concerned.

In addition to the bail/surety bonds, in pursuance to the offer made by counsel for the petitioner, the petitioners shall deposit either bank gaurantee or the original papers of the property worth Rs. 68 lacs each (with an undertaking that that the same shall not be sold during the pendency of the case) within one month from the date of their release before the Duty Magistrate/trial Court which shall await further orders of the Court. The same shall be without prejudice to defence of the petitioners before the trial Court.

However, it is made clear that anything observed herein shall not be construed to be an expression on merits of the case.

Disposed of.

08.10.2020

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**(Girish Agnihotri)
Judge**

1. *Whether speaking/reasoned?*
2. *Whether reportable?*

Yes/No
Yes/No