

203 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-12900-2020
Date of Decision: 09.07.2020

Sunil Bajaj

... Petitioner

v/s

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Aksay Kumar Jindal, Advocate for the petitioner.
Mr. Deepak Bhardwaj, DAG Haryana.

* * *

VIVEK PURI, J. (ORAL)

The petitioner has prayed for grant of regular bail in case FIR No.591, dated 24.9.2018 registered under Sections 420, 406, 120-B of IPC, 1860 (467, 468, 471, 201 of IPC and 67 Information Technology Act, 2000 added later on in Challan) registered at Police Station Quilla, Panipat.

On 25.6.2020 following order was passed:

It has been stated by learned counsel for the petitioner that the allegation with regard to portraying as big businessman have been levelled against the petitioner. The complainant had allegedly supplied thread worth ₹1 crore to three firms, namely, M/s Krishna Textile, M/s Ambay Textile and M/s Preet Textile. Ankur Bajaj and Shubham Bajaj (non-applicants), the sons of the petitioner, are the proprietors of first two firms and even they have no concern with the third firm, namely, M/s Preet Textile. Even no cheque has been issued by the petitioner and there is no document to indicate any business involvement of the petitioner with the aforesaid concern(s) and his arrest was effected as back as on 03.01.2020.

Learned State counsel has sought about one week's time to verify with regard to any document to indicate the involvement of the petitioner in the aforesaid three concerns

or his business interest in the said concern(s).

In view of his request, adjourned to 09.07.2020.

Reply by way of affidavit of Sh. Satish Kumar, HPS, Deputy Superintendent of Police, Head Quarter, Panipat has been placed on record.

It has been contended by learned State counsel that at the earlier instance the petitioner had approached this Court for relief of pre-arrest bail and the same was declined. Thereafter, he approached the Hon'ble Supreme Court of India by filing SLP (Cri) No. 9256 of 2018 and undertook to deposit ₹45 Lakhs in installments. It was further undertaken to deposit ₹20 Lakhs in the Registry of the Hon'ble Supreme Court of India within a period of three weeks. Furthermore, no such amount was deposited and consequently, petitioner could not get the benefit of bail.

Faced with this situation, it was pointed out by learned counsel for the petitioner that SLP was filed in the Hon'ble Supreme Court of India by the petitioner as well as his two sons who were managing the business affairs. However, it may be mentioned here that parameters on the basis whereof pre-arrest bail and regular bail are to be granted are quite distinct and separate.

There is no document to indicate the involvement of the petitioner in the affairs and management of the aforesaid three concerns namely M/s Krishna Textile, M/s Ambay Textile and M/s Preet Textile. The arrest of the petitioner was effected as back as on 3.1.2020. His custodial interrogation is over and he is in judicial custody. Investigation of the case is complete and challan has already been presented in the Court. Furthermore, the offences are triable by the Court of Judicial Magistrate First Class.

Considering the above and the fact that conclusion of trial is likely to consume some time, further detention of the petitioner may not be justified. Therefore, without making 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 concerned trial Court/Chief Judicial Magistrate/Duty Magistrate.

The petition is allowed.

(VIVEK PURI)
JUDGE

09.07.2020

Janki

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No