IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-15833-2020 (O&M)
Date of decision: 16.09.2020

Ashok Kumar Chadha ...Petitioner

Versus

State of Haryana .....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Amit Singh Sethi, Advocate for the petitioner.

Mr. Ramesh Kumar Ambavta, AAG Haryana.

HARNARESH SINGH GILL, J.

This is the 3rd petition for the grant of regular bail to the petitioner, the 1st having been dismissed vide order dated 24.05.2018 passed by a Coordinate Bench of this Court and the 2nd having been dismissed as withdrawn vide order dated 08.11.2019, in case bearing FIR No.807 dated 10.12.2017 under Sections 420 read with Section 120-B IPC registered at Police Station City Sonipat, District Sonipat.

The factual situation leading to the registration of the FIR having been noticed in detail in the order dated 24.05.2018 passed by the Coordinate Bench of this Court while dismissing the 1st petition for the grant of regular bail filed by the petitioner, need not to be reiterated.

At the very outset, learned counsel for the petitioner submits that originally, the FIR was registered under Sections 406, 420, 467, 468, 471, 506 and 120-B IPC. However, after the challan having been presented before the trial Court, the charge has been framed only against the petitioner under Section 420 read with Section 120-B IPC. This being the change of circumstance coupled with his reliance on the judgment of the Hon'ble Supreme Court delivered in Sanjay Chandra Vs. CBI, 2011(4) R.C.R. (Criminal) 898, for the release of the petitioner on regular bail, the present petition has been filed by the petitioner.

Apart from the above, the learned counsel for the petitioner has also relied upon various documents filed by him with the petition as also with the rejoinder to the status report filed by the Deputy Superintendent of Police, Sonipat, to contend that the petitioner has no role to play in the occurrence in question.

Learned counsel for the petitioner while reiterating the submissions made on behalf of the petitioner in the earlier petition for bail, submits that the petitioner is neither the Director, nor the promoter or share-holder of the Company-M/s Ringing Bells Private Limited, and, thus, his having no direct linkage with the said Company, he has falsely been implicated in the above-noted FIR. While making reference to the affidavit dated 27.10.2017, executed by Mr. Mohit Goel, Director of M/s Ringing Bells Private Limited, it is pointed out that even said Mr. Mohit Goel has deposed therein that the petitioner has no role to play in the affairs of the Company and that he was only a Consultant of the said Company. Reliance in this regard has also been placed on the documents Annexures P-10 and P-11, obtained from the office of the Registrar of the Companies. It is contended that the petitioner has his own company with the name of M/s Today Advertising Private Limited. As a matter of fact, the petitioner had worked as a consultant of the aforesaid M/s Ringing Bells Private Limited and got carried out the publication of advertisements in the various newspapers on behalf of the said Company. There arose a default on the part of M/s Ringing Bells Private Limited in making payment of the outstanding dues of the petitioner's Company and the 60 days' credit period, which the petitioner had enjoyed against publication of the said advertisements from the media organizations, having elapsed, recovery proceedings had been initiated by the media organizations against the petitioner's company. Thus, it is contended that when the petitioner's company itself is aggrieved against the action of M/s Ringing Bells Private Limited as regards its dues, it does not stand to the common logic that the petitioner would be hatching any conspiracy with the said Company in order to dupe and deceive the general public, including the complainant in the present case. While shifting the entire onus on Mr. Mohit Goel, Director of M/s Ringing Bells Private Limited, a reference has been made to the document Annexure P-14 to show that he had made payment on behalf of his Company i.e. M/s Ringing Bells Private Limited to one M/s Raghav Enterprises, even after he had resigned from the Directorship of the Company.

It is yet further submitted that originally, there were as many as seven accused in the FIR, but during the investigation, the police at the behest of the complainant, has let off the remaining accused and proceeded against the petitioner only resulting into the framing of charge only against the petitioner. This very fact shows that the complainant is having hand-in-gloves with M/s Ringing Bells Private Limited and its Directors and office bearers. It further shows the shoddy investigation conducted by the police in order to save the real culprits. It is, thus, contended that the petitioner not being at any point of time either the Director, Authorized Signatory, Promoter or the President of M/s Ringing Bells Private Limited, no liability can be fastened upon him for the illegal acts committed by M/s Ringing Bells Private Limited and its office bearers/Directors/promoters. It is further submitted that money, if any, deposited by the complainant was done so in the bank account of M/s Ringing Bells Private Limited, and not that of the petitioner.

As regards the various criminal proceedings initiated against the petitioner, learned counsel for the petitioner has drawn the attention of this Court towards para No.7 of the rejoinder filed to the status report submitted by the Deputy Superintendent of Police, City Sonipat. On the strength of such submission, it is contended that in most of the said cases (11 number of cases), the petitioner has been acquitted or discharged and thus, it cannot be said that the petitioner is a habitual offender.

While seeking parity with co-accused Parmod Khullar, it is submitted that Parmod Khullar, was granted the concession of anticipatory bail by the learned Additional Sessions Judge, Sonipat vide order dated 04.01.2018, and that the petitioner is also entitled to the concession of regular bail. Additionally, it is submitted that the petitioner is 71-year of age and is suffering from various old age ailments and the investigation having already been completed and the charges already framed, further incarceration of the petitioner is not justified.

Still further, the learned counsel for the petitioner has placed reliance upon the judgment of Hon'ble Apex Court in Sanjay Chandra's case (supra), to contend that as held in the said judgment, a man on bail has a better chance to prepare or present his case than one remanded in custody. Thus, even from that point of view, the petitioner deserves to be enlarged on bail as he has been in custody since 16.12.2017.

While vehemently contesting the bail petition, the learned State Counsel submits that the petitioner has been involved in many case of similar nature and facing the trial and that as of now, he is confined to a Jail in Roorkee (Uttarakhand) in FIR No.165/2017. It is further submitted that during investigation, various documents had been collected by the police, which showed that an amount of Rs.7 crore was transferred in the account of M/s Ringing Bells Private Limited from the account of M/s Agnay Traders through RTGS and upon his arrest, the petitioner suffered a statement regarding his complicity in the crime. Besides, the statement of Accounts of M/s Today Advertising Pvt. Ltd. and another Company, namely, M/s Sachidanand Enterprises, also showed huge transactions therein.

I have heard learned counsel for the parties and with their able assistance have also gone through the record of the case.

As noticed above, the extent of fraud and its magnitude, has already been noticed by a Coordinate Bench of this Court, while dismissing the earlier Regular Bail Petition of the petitioner. The factum of the petitioner's facing various criminal proceedings involving the amount running into crores, in the State of Uttarakhand and Kolkatta, has not been disputed.

So far as the contention of the petitioner that charge has only been framed against him under Section 420 read with Section 120-B IPC, suffice it to say that it would be in the domain of the trial Court to examine the said aspect on the basis of the evidence led and no benefit of the said fact can enure to the petitioner on this count, in the present petition.

Still further, reliance of the petitioner on the judgment of Sanjay Chandra's case (supra), is of no help to the petitioner, for the reason that he is not entitled to such indulgence and concession, keeping in view the magnitude and dimension of the crime committed by him against the Society at large, thereby duping the innocent persons. Besides, his involvement and complicity in several other cases of similar nature in other parts of the country, does also deny him any benefit for being enlarged on regular bail.

In view of the above, finding no merit in the present petition, the same is hereby dismissed.

(HARNARESH SINGH GILL)
JUDGE

16.09.2020
ds

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