

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Date of decision: 27.05.2020

1. CRM-M-23391-2019 (O&M)

Vinod Kumar Garg

... Petitioner

Vs.

State of Haryana

... Respondent

2. CRM-M-23463-2019 (O&M)

Vinod Kumar Garg

... Petitioner

Vs.

State of Haryana

... Respondent

3. CRM-M-23483-2019 (O&M)

Vinod Kumar Garg

... Petitioner

Vs.

State of Haryana

... Respondent

4. CRM-M-23499-2019 (O&M)

Vinod Kumar Garg

... Petitioner

Vs.

State of Haryana

... Respondent

5. CRM-M-23520-2019 (O&M)

Vinod Kumar Garg

... Petitioner

Vs.

State of Haryana

... Respondent

6. CRM-M-23793-2019 (O&M)

Vinod Kumar Garg

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. R.S. Rai, Sr. Advocate with
Mr. Gautam Dutt, Advocate
for the petitioner (in all cases).

Mr. Chetan Sharma, AAG, Haryana.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in these six petitions is for grant of regular bail to petitioner Vinod Kumar Garg, in FIR No.0125 dated 04.03.2018, FIR No.0121 dated 04.03.2018, FIR No.0213 dated 06.04.2018, FIR No.0214 dated 06.04.2018, FIR No.0115 dated 04.03.2018 and FIR No.0122 dated 04.03.2018, all under Sections 420, 406, 120-B IPC and Section 3 of the Haryana Protection of Interest of Depositors in Financial Establishment Act, 2014 (Haryana Act No.32 of 2014) (Section 204 IPC was added later on), registered at Police

Station Sector 31, Faridabad, District Faridabad.

These petitions are pending since 2019 and are adjourned on one pretext or the other.

Learned senior counsel for the petitioner submits that as many as 34 FIRs were registered against the petitioner, out of which, he has been granted bail in 28 FIRs; the fact, which is not disputed by the prosecution at no point of time nor the complainant/victim has applied for cancellation of bail of petitioner in aforesaid 28 FIRs. It is further submitted that in all 34 FIRs, which are registered with similar allegations, though by different complainants, it is stated that the complainants were induced by the petitioner and other accused persons to invest Rs.1.00 lac or above amount and in lieu of the same, they were promised to get a plot or a flat at cheaper rate. It was also promised that the amount will become three times and till that time, interest at the rate of 1.5% per month will be paid. It is also submitted that the allegations against the petitioner in one of the FIR are that he had taken the complainant to the office of SRS Group, where officials of the Group also conveyed the same thing to the complainant. The complainant falling to the trap, started depositing money in their office and a temporary printed receipt without name of the company with signatures of Pramod/Vinod Garg was given, however, later on, he came to know that a fraud of crores of rupees has been committed and despite assurance, neither the amount was returned nor the plot/flat was given.

Learned senior counsel for the petitioner has argued that in the aforesaid 28 FIRs, the petitioner was granted bail in March, 2019 and now a period of more than 01 year has lapsed and the petitioner is still in custody in the present 06 FIRs. It is further argued that there is nothing on record that the

petitioner was Director of SRS Group and as per allegations of the complainant, he had issued the receipts in the name of Khusboo Finance Company or Logical Jewelers Pvt. Ltd. It is also argued that as on today, the petitioner is in custody for the last more than 02 years; challans in all 34 FIRs stand presented on 30.05.2018 and charges were framed on 28.05.2019. It is next argued that in all the FIRs, more than 30 witnesses are cited and only 04 witnesses have been examined so far, therefore, it will take some time in conclusion of the trial.

Learned State counsel has opposed the prayer for bail on the ground that company of the petitioner is sister concern of SRS Group. Learned State counsel has referred to the reply by way of affidavit of Assistant Commissioner of Police, Sarai, Faridabad dated 17.01.2020, in which it is stated that as many as 300 companies were floated by SRS Group and company of the petitioner was sister concern, which has collected huge amount. It is also stated in the affidavit that approximately 550 complaints were received from the investors and 350 complaints from flat holders, on the basis of which 35 FIRs were registered, however, this fact is not disputed that the petitioner is granted regular bail in 28 FIRs way back in March, 2019 and the case is at the stage of recording the prosecution evidence. It is further stated that during the investigation, it has come on record that the petitioner has destroyed certain records and receipts, as per statement of one Manish Dutt Sharma, employee of petitioner's company recorded under Section 164 Cr.P.C. It is next stated in this affidavit that the petitioner is director of Logical Jewelers Pvt. Ltd. and Logical Buildmart Pvt. Ltd. and has issued bogus receipts in the name of Khusboo Finance Company.

In reply, learned senior counsel for the petitioner has argued that

there is no record to show that the petitioner's company is sister concern of SRS Group and one Anil Jindal, who is Chairman of SRS Group, already stands arrested and is in custody. It is further argued that allegations in these FIRs are identical or at par with 28 FIRs, in which the petitioner has already been released on bail and admittedly, no one has moved an application for cancellation of bail.

After hearing learned counsel for the parties, considering the fact that the petitioner is in custody for the last more than 02 years and in view of affidavit of ACP, Sarai, Faridabad, wherein this fact is not disputed and also in view of the fact that in the affidavit, nothing is stated as to how the petitioner was a director of SRS Group and his company was sister concern of SRS Group, all these six petitions are allowed and the petitioner is directed to be released on regular bail subject to furnishing his bail bonds and two heavy sureties to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate, concerned.

Petitions are disposed of.

[ARVIND SINGH SANGWAN]
JUDGE

27.05.2020

vishnu

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No