

CRM-M-27305-2020
Date of decision: 17.09.2020

Tarun Chauhan

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGIPresent : Mr. Kunal Dawar, Advocate
for the petitioner.Mr. Naveen Singh Panwar, DAG, Haryana
for the respondent-State.

ARUN KUMAR TYAGI, J. (ORAL)

The case has been taken up for hearing through video conferencing.

Prayer in the present (first) petition filed under Section 439 of the Code of Criminal Procedure, 1973 (for short 'the Cr.P.C.') is for grant of regular bail to the petitioner in case FIR No. 674 dated 12.12.2017 registered under Sections 406, 420, 506 and 120 B of the Indian Penal Code, 1860 and Section 3 of the Haryana Protection of Interest of Depositors in Financial Establishment Act, 2013 at Police Station Kotwali, District Faridabad.

The petitioner, who is in custody since 24.03.2019, has filed the present (first) petition for grant of regular bail.

The petition has been opposed by learned State Counsel. However, no reply has been filed by learned State Counsel.

I have heard learned Counsel for the petitioner and learned

State Counsel and gone through the record.

Learned Counsel for the petitioner has submitted that the petitioner has been falsely implicated in the case. The petitioner was merely a dummy Director in the Company and he was not holding any executive or administrative position and was not responsible for day to day working or dealings of the Company. The fact that he had no role in the Company is also fortified by the fact that he was not signatory to opening of the Bank Accounts of the Company. The petitioner was also lured to invest in the Company. The petitioner was unaware about the bad intentions of co-accused Bisham and considered the scheme launched for giving of LEDs to be genuine and subsequently his fraud came to light only when he refused to give LEDs and return the investment to the investors and also to the petitioner.

Learned counsel for the petitioner has further submitted that similarly placed co-accused Vishal Chaudhary, Khadag Singh @ Kharak Singh @ Kharki @ Khadak Singh @ Deepak and Surender have already been granted bail by this Court vide order dated 18.08.2020 passed in CRM-M-11444-2020, CRM-M-13177-2020, CRM-M-16253-2020 and CRM-M-51901-2019. The trial is likely to take long time due to restrictions imposed on account of pandemic of Covid-19. No useful purpose will be served by further detention of the petitioner in custody during trial. Therefore, the petition may be allowed and the petitioner may be enlarged on bail.

On the other hand Learned State counsel submits that the petitioner is accused of having committed serious offences. The

petitioner is also involved in other cases of similar nature. In view of gravity of offences committed, the petitioner does not deserve the concession of regular bail. Therefore, the petition may be dismissed.

Keeping in view, the facts and circumstances of the case, nature of accusation against the petitioner, parity with similarly placed co-accused Vishal Chaudhary, Khadak Singh @ Kharak Singh @ Kharki @ Khadak Singh @ Deepak and Surender and the fact that trial is likely to take long time due to restrictions imposed to prevent spread of infection of Covid-19 but without commenting on the merits of the case, I am of the considered view that the petitioner deserves grant of regular bail.

In view of the above, the petition is allowed and the petitioner is ordered to be released on regular bail on furnishing of requisite bail bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate, concerned.

In view of the peculiar facts and circumstances of the case and for protecting the interest of the victims/investors, regular bail is granted to the petitioner subject to the condition that the petitioner shall deposit within one month from the date of his release on bail either bank guarantee or the original papers of the property worth Rs.1 crore in this case before the trial Court/Chief Judicial Magistrate/Duty Magistrate with an undertaking that the same shall not be disposed of/sold during the pendency of the case and the bank guarantee/such property shall be subject to orders of the Court at the time of decision of the case for award of compensation to the

victims/investors as the case may be.

Nothing in this order shall be treated as expression of any opinion on merits of the case so as to influence/bind the trial Court in decision of the case on merits.

17.09.2020

kavneet singh

(ARUN KUMAR TYAGI)
JUDGE

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