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Dr. Ravi Ranjan v. State of Haryana

2) CRM-M-34624 of 2020
Dr. Ravi Ranjan v. State of Haryana

Present: Dr. Rau P. S. Girwar, Advocate,
for the petitioner.

Mr. Surender Singh, AAG, Haryana.

All cases listed today have been taken up for hearing by way of video conferencing because of the situation existing due to the COVID-19 pandemic.

CRM-M-29341 of 2020

By this petition, the petitioner seeks the concession of 'regular bail', upon FIR no.324, dated 22.10.2014, having been registered at Police Station Rewari City, alleging therein the commission of offences punishable under Sections 420 and 406 of the IPC.

The petitioner was in fact earlier admitted to bail by the Supreme Court, subject to the conditions laid down by their Lordships in the order dated 26.08.2019 being fulfilled (he having filed SLP (Crl.) No.9069 of 2015), after which vide an order dated 16.09.2019, the order granting the conditional bail was vacated and his petition dismissed.

The order passed by the Supreme Court on 16.09.2019 is reproduced hereinbelow:-

“This Court vide order dated 26.08.2019, observed thus:-

The petitioner in SLP(Crl.)9069/2015 (hereinafter referred to as

the petitioner) was granted bail vide order dated 07.12.2015 with the following conditions:

- 1. That the petitioner should surrender his passport before the Trial Court.*
- 2. That the petitioner shall not leave the District of Rewari without prior permission of the Trial Court.*
- 3. He shall furnish two solvent sureties, who shall be the family members/close relatives of the petitioner, for a sum of Rs.5 Lakhs each, which condition is agreeable to the learned senior counsel appearing for the petitioner, on instructions from the petitioner.*
- 4. He shall cooperate with the trial.*
- 5. The petitioner shall furnish a plan for repayment of the amounts due to the complainant within 10 days from the date of his release.”*

(a) So far as first condition is concerned, relating to surrender of passport, it is brought to the notice of the Court that the petitioner surrendered his passport to the Trial Court but subsequently, it is taken away from the custody of the Court. According to the complainant/applicant, the petitioner himself has committed the theft whereas according to the petitioner he has not taken away any passport.

Be that as it may, the fact remains that the petitioner tried to leave India using the very passport after surrendering the passport which prima face reveals that the petitioner has violated the first condition.

(b) With regard to second condition of directing the petitioner not to leave the District of Rewari without prior permission of the Trial Court, we find from the affidavit of the petitioner that he is staying at Calcutta. Thus, second condition is also violated.

(c) So far as fourth condition is concerned, relating to cooperating with the trial, we find from the record that the petitioner is not attending the trial.

(d) Regarding 5th condition, though a plan was submitted for repayment of the amounts due to the complainant by the petitioner, he has paid Rs.5 lakhs every month for about six months. Thereafter he

has not paid any amount to the complainant. It is to be noted that the petitioner has defaulted in making the payment for 36 months. These facts are not disputed. Even according to us he is liable to pay Rs.1,80,00,000/- in respect of monthly installments.

It is also brought to the notice of the Court that the petitioner is facing as many as 16 cases and he is declared as a proclaimed offender.

As a final chance, the petitioner is given 15 days time to deposit Rs.1,80,00,000/- before this Court. The entire amount shall be released in favour of the complainant/applicant. In case, the petitioner does not deposit the said amount with the aforesaid period, the order dated 07.12.2015 granting bail to the petitioner will be vacated.

List the matter on 16.09.2019.

In the meantime, the petitioner shall comply with the conditions mentioned supra in the order dated 07.12.2015 and not travel outside India and he shall appear before the Trial Court regularly.”

It is brought to the notice of this Court by learned counsel for the petitioner that the petitioner has not deposited the sum of Rs.1,80,00,000/- (Rupees one crore and eighty lac only) before this Court as ordered. If it is so, the order dated 07.12.2015 granting bail to the petitioner needs to be vacated and, accordingly, the same stands vacated.

It is further brought to the notice of this Court by learned counsel for the petitioner that the petitioner has surrendered in this case. However, the same is disputed by Mr. R. Basant, learned senior counsel appearing for the complainant. He submits that the petitioner has surrendered in another case. Be that as it may.

Since the order of bail granted by this Court on 07.12.2015 is vacated pursuant to this order, the petitioner will continue to remain in custody in this case also.

The Miscellaneous Petition stands disposed of accordingly.”

That being so, though learned counsel for the petitioner submits that the petitioner has now been in custody for about 22 months, with only two prosecution witnesses examined out of 13 and therefore he deserves to be admitted to bail, however, seeing the order passed by the Supreme Court canceling the interim bail earlier granted to the petitioner, for violating various conditions put to him, I see no ground to admit him to bail.

Other than that, learned State counsel has also submitted that there are about 10 other criminal cases registered against the petitioner, which Mr. Girwar refutes on the ground that all those criminal cases are actually only civil disputes (and therefore the criminal cases should not have been registered).

Be that as it may, as regards the criminal case in question presently, for the reasons already given hereinabove, I see no reason to entertain this petition which is consequently dismissed.

CRM-M-34624 of 2020

By this petition, the petitioner seeks the concession of 'regular bail', upon FIR no.623, dated 08.09.2019, having been registered at Police Station Model Town Rewari, alleging therein the commission of an offence punishable under Section 174-A of the IPC.

Learned counsel for the petitioner submits that the FIR itself registered against the petitioner is not maintainable because the petitioner having been admitted to interim bail by the Supreme Court, the question of him being declared to be a proclaimed offender would not arise.

It is, however, to be noticed that in the order of the Supreme Court, it had been stated that the petitioner was trying to flee the country.

Be that as it may, since counsel for the petitioner insists that he could not have been declared to be a proclaimed offender at all, he in any case having

subsequently appeared before the Supreme Court, with the interim order issued in his favour vacated thereafter, without making any comment on the actual merits of the case, a gazetted officer is directed to file a detailed reply to this petition.

Adjourned to 04.02.2021.

A copy of this order be placed on the file of the other connected matter too.

November 23, 2020
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(AMOL RATTAN SINGH)
JUDGE