**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-12033-2021 (O&M)
Date of Decision:- 30.9.2021

Sandeep Vats ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Vikas P. Singh, Advocate for the petitioner.

Mr. Munish Dadwal, AAG, Haryana.

Mr. A.D.S.Jattana, Advocate for the complainant.

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GURVINDER SINGH GILL, J.

1. The petitioner seeks grant of regular bail in a case registered vide FIR No.159 dated 9.5.2020 under Sections 406, 420, 467, 468, 471, 506/120-B IPC at Police Station Sector 9-A, District Gurugram.

2. The FIR was lodged at the instance of Aditya Chaudhary wherein it is alleged that Sandeep Vats (petitioner), Vinod, Sumit, Deepak, Pardeep and Jeetu had committed a fraud of an amount of ₹ 2,65,58,600/- with the firm of the complainant M/s A.V. Logistic Solutions. The complainant Aditya Chaudhary alleged that Sandeep Vats (petitioner) had been appointed by their firm as Marketing Manager in March, 2018 as he had represented that he has experience of transportation. He was given responsibility to procure work orders from various companies and was also given a motorcycle to enable him to do the marketing work. It is alleged that Sandeep Vats

(petitioner) told the complainant that he had been able to procure transport work from M/s Amtek India Limited having its office at Dharuhera, District Rewari and that trucks were required to be sent for execution of the same, which were to be sent from Bhiwadi (Rajasthan) to Dewas (Madhya Pradesh), Peetampur (Madhya Pradesh), Bangalore, Ahmadabad and Haridwar. It was agreed that the fare of the trucks would be given to the firm M/s A.V. Logistic Solutions after 45 days of submission of the bills. It is alleged that Sandeep Vats had been given blank cheques by complainant as Sandeep Vats had represented that the same were to be given as security to M/s Amtek India Ltd. and M/s Nihon Parkerzing India Pvt. Ltd. However, the said cheques had not been returned to the complainant firm. It is further alleged that an amount of ₹4,44,12,500/- was also released by the complainant company for execution of the work order. However, later it was revealed that two companies i.e. M/s Amtek India Ltd. and M/s Nihon Parkerzing India Pvt. Ltd. were owned by none else but the petitioner Sandeep Vats alongwith other members of his family and were infact bogus firms. The complainant alleged that on account of the said work order, a loss of ₹2,65,58,600/- had been caused to the complainant company.

3. The learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in the instant case and infact it is a case where the complainant himself was into dubious activities of circulating unaccounted wealth belonging to Virender Pannu so as to show the same to be money gained by business transactions and thus, conferring sanctity to the ill-gotten wealth. The learned counsel has submitted that although the complainant claims to have paid huge amount of ₹ 4,44,12,500/- out of which it is alleged that the petitioner had embezzled an amount of ₹2,65,58,600/- whereas the

firm of the complainant was registered barely on 3.11.2017 i.e. just a few days before he submitted a complaint to the police. The learned counsel has referred to Registration Certificate (Annexure P-2) annexed with the petition. The learned counsel has further submitted that the income tax returns filed by the complainant for the years 2016-17, 2017-2018 and 2018-2019 (Annexure P-3) would show that the petitioner has shown his gross total income to be ₹2,15,439/-, ₹2,42,279/- and ₹2,40,473/- only and has not paid any tax on the same being non-taxable. The learned counsel has also referred to the provisional balance sheet dated 31.12.2018 in respect of M/s A.V. Logistics Solutions, whose proprietor is the complainant Aditya Chaudhary, which would show that huge amount of ₹2,74,97,000/- has been shown as unsecured loans from relatives and friends, which would show that the complainant was infact into converting black money to white money. The learned counsel has also referred to the statement of the petitioner recorded by Assistant Commissioner of Police on 29.3.2019 when he was called to his office wherein he had disclosed the *modus operandi* of the complainant.

4. Opposing the petition, the learned State counsel assisted by counsel for the complainant has submitted that since serious allegations of defrauding the complainant of a huge amount running in crores have been lodged, no case for grant of bail is made out.

5. I have considered rival submissions addressed before this Court.

6. It is no doubt correct that the allegations of the petitioner having usurped an amount of ₹2,65,58,600/- have been levelled by the complainant against the petitioner but there is nothing to show that petitioner had received or

handled the amount of ₹4,44,12,500/- out of which he is alleged to have usurped ₹2,65,58,600/-. Further, even the income tax returns of the complainant for the years 2016-17, 2017-2018 and 2018-2019 (Annexure P-3) do not reflect that the complainant is into big business as is suggested in his complaint. In any case, the investigation already stands concluded and the petitioner has been behind bars since the last about 1 year. Conclusion of trial is likely to consume time as the trial has barely commenced. In these circumstances, further detention of the petitioner will not serve any useful purpose.

7. The petition, as such, is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

30.9.2021 **(Gurvinder Singh Gill)**
kamal **Judge**

Whether speaking /reasoned Yes / No
Whether Reportable Yes / No