

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

**CRM-M-23644-2019 (O&M)
Decided on: 16.02.2021**

BHAVESH JAYANTI BHAI

.....Petitioner

Versus

STATE OF HARYANA

.... Respondent

CORAM: HON'BLE MR. JUSTICE H.S. MADAAN

Present: Mr. J.P. Jangu, Advocate
for the petitioner,

Mr. Dhruv Sheoran, DAG, Haryana.

H.S. MADAAN, J (ORAL)

The case has been taken up through Video Conferencing.

This petition for regular bail has been filed by petitioner Bhavesh Jayanti Bhai, aged about 35 years son of Jayanti Bhai, resident of B-68, K.K. Nagar Road, Ishwar Nana Nagar Society, Near H.P. Petrol Pump, P.S. Chondodia, Ahmedabad, Gujrat, an accused in F.I.R. No. 422 dated 10.12.2018 registered with Police Station Udyog Vihar, District Gurugram for offences under Sections 408, 420, 467, 468, 120-B IPC.

Briefly stated the facts of the case as per prosecution story are that complainant company M/s. Indiabulls Consumer Finance Ltd. having its registered office at M-62-63, First Floor, Connaught Place, New Delhi and Corporate Office at Indiabulls House, 448-451, Udyog Vihar, Phase 5,

Gurugram, Haryana had submitted a written complaint addressed to S.H.O. Police Station Udyog Vihar, Gurugram, inter alia contending that complainant-company is engaged in providing loans under different schemes to the intending borrowers; that the company had launched a mobile App namely “Dhani Personal Loan App” for disbursement of the loans and 116 rejected cases of loan were illegally approved by the employees of complainant-company. The said applications had been dealt on-line by Tanveer Ahmed, who was posted at Thane Office, Mumbai and his job was to lead assignees for collection of documents from customers whereas, Ganesh Kantilal an employee of the complainant-company was posted as Sales Officer at Mumbai, whereas accused Bhumikaben was Direct Sales Associate of the complainant-company and all such employees had agreed to be loyal and faithful to the complainant-company but they committed criminal breach of trust and indulged in unlawful offences of cheating and forgery inasmuch as 116 rejected cases were illegally approved by accused involving mis-appropriation of ₹3.5 crores. Petitioner-Bhavesh Jayanti Bhai is husband of accused-Bhumikaben. On receipt of the written complaint a formal FIR in the matter was recorded against accused-Ganesh Kantilal and during the course of his interrogation he suffered a disclosure statement with regard to the present petitioner-Bhavesh Jayanti Bhai. The petitioner was arrested in this case on 27.01.2019 on the basis of disclosure statement of one accused-Ganesh Kantilal. On completion of investigation *challan* has been filed in the Court and the petitioner had filed an application for grant of regular bail before Court of Sessions at Gurugram.

His such application which was assigned to Additional Sessions

Judge, Gurugram, who vide order dated 19.04.2019 dismissed the same, as such he has approached this Court craving for grant of similar relief by filing the present petition, which is being opposed by the learned State counsel.

I have heard learned counsel for the petitioner and learned State counsel besides going through the record.

As per record, the petitioner is in custody for more than 02 years. The co-accused namely Ganesh Kantilal has been said to have been granted regular bail by a Co-ordinate Bench of this Court in CRM-M-18643 of 2019 (O&M) vide order dated 21.08.2020, copy of such order has been placed on record as Annexure-A. Though the challan had been filed in this case but the conclusion of trial is likely to take considerable time since as informed by learned State counsel, the case is still at the stage of framing of charge. The next date of hearing in the trial Court is stated to be 21.03.2021.

Considering all these facts but without going into the merits of the case, I find that further detention of the petitioner is not going to serve any fruitful purpose, therefore, the petition deserves to be accepted and it is hereby allowed. Petitioner-Bhavesh Jayanti Bhai is ordered to be released on bail on his furnishing bail bond and surety bond to the satisfaction of the learned trial Court/CJM/Duty Magistrate, Gurugram subject to the following conditions :-

- (i) he shall appear in the Court on each and every date of hearing.
- (ii) he shall not give any threat or intimidation to the prosecution witnesses.
- (iii) he shall not leave India without prior permission of the

Court and shall surrender his Passport, if he has got one,
otherwise to furnish affidavit in that regard.

(iv) he shall not indulge in any criminal activity.

(v) he shall join the investigation as and when directed by the
Investigating Officer.

In case the petitioner violates any term and condition on which
the bail has been granted to him, the prosecution would be entitled to apply
for cancellation of bail.

The guilt of the accused shall be determined during the trial.

(H.S. MADAAN)
JUDGE

16.02.2021
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Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No