

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

-.-

CRM M 34959 of 2021

Date of decision: 27.08.2021

Surender Singh

.....*Petitioner*

Versus

State of Haryana and another

.....*Respondents*

Coram: Hon'ble Mr. Justice Rajbir Sehrawat

-.-

In virtual Court

Present: Mr. B S Rana, Senior Advocate with
Mr. Prasouk Jain, Mr. Nayandeep Rana and
Ms Rabiya Thakur, Advocates
for the petitioner

Mr. Satya Pal Jain, Additional Solicitor General of India with
Mr. Alok Jain, Advocate for UOI

Mr. Rajesh Gaur, Additional Advocate General, Haryana

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Rajbir Sehrawat, J. (Oral)

This is a third petition filed by the petitioner (accused No. 140) under Section 439 read with Section 482 of the Code of Criminal Procedure seeking grant of bail pending trial in Criminal Complaint CIS No. COMA/05/2019, CNR No. HRGR01-007022-2019 dated 18.5.2019 filed by the Serious Fraud Investigation Office (respondent No. 2) before the Sessions Judge-cum-Special Judge, Gurugram under Sections 447 of the Companies Act, 2013 and Section 120-B read with Sections 417, 418 and 420 of the Indian Penal Code.

A perusal of the record shows that the first petition filed by the petitioner for same purpose was dismissed by passing a detailed order, dealing with all the aspects

involved and argued in the matter. Thereafter, the second petition CRM M 25229-2020 was filed by the petitioner. Even the same was dismissed by passing order dated 24.05.2021, which reads as under:-

“A bare perusal of the record shows that this Court had already dismissed regular bail petition filed by the petitioner, vide a detailed order dated 13.11.2019 passed in CRM-M No. 41761 of 2019 titled as Surender Singh v. SFIO. Avoiding the repetition of the same facts and legal aspects which have already been dealt with in the above said detailed judgment passed earlier, it is sufficient to say that this Court does not find any new ground to interfere and to grant bail pending trial to the petitioner. Although counsel for the petitioner has argued that the petitioner was not the Director in the company in question at the time when the transactions involved in this case were held and this aspect was not dealt with by this Court earlier, however, this aspect is also totally irrelevant qua the merits of the matter. It has come on record, and it was so dealt with in the earlier judgment as well, that the petitioner was working on behalf of the company in his capacity as authorised person at the time of the relevant transactions. Hence, even this argument does not help the petitioner qua merits of the matter.

In view of the above, finding no merit in the present petition, the same is dismissed. Since the main petition itself has been dismissed, therefore, all the applications pending in the matter, are also ordered to be dismissed.”

Now, the petitioner has filed the third petition for the same purpose. On merits, this Court does not find any ground to take a view different than the one already taken in the earlier orders mentioned above.

Although counsel for the petitioner has submitted that after the dismissal of earlier petitions, the Hon'ble Supreme Court has ordered release of co-accused on bail; including the main accused, therefore, the petitioner be also released on bail, however, the Hon'ble Supreme Court has not finally granted bail to any accused. The order relied upon by the counsel for the petitioner is only an interim order. Since this

Court has already passed a detailed final order in the matter, therefore, this Court does not find it appropriate to re-open the matter only on the basis of an interim order passed by the Hon'ble Supreme Court, particularly, when the Hon'ble Supreme Court is already seized of the matter for final adjudication.

The counsel for the petitioner has further argued that since the Hon'ble Supreme Court has released the main accused on interim bail, therefore, the petitioner; whose role is negligible as compared to the persons granted interim bail by the Supreme Court, be also granted interim bail. However, even this prayer of petitioner cannot be accepted for two reasons. Firstly, as mentioned above, the matter already stands decided on merits by a detailed judgment. So only for granting interim bail, the matter cannot be re-opened by this Court. Secondly, any specific reason; with reference to which the case of the petitioner could have been considered by this Court for assessing the parity of the case of the petitioner with the case of co-accused who have been granted concession of interim bail, is not decipherable from the order of Hon'ble Supreme Court. Therefore, even for the interim bail, this Court is not in a position to come to any definite opinion qua merits of the case.

Accordingly, finding no merits in the petition, the same is dismissed. .

(Rajbir Sehrawat)
Judge

27.08.2021
Mohan Bimbura

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