

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

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**CRM No.39283-2021 in/and
CRM -M No.47621 of 2021
DATE OF DECISION : 18th NOVEMBER, 2021**

Jainam Rathod

.... Petitioner

Versus

State of Haryana & another

.... Respondents

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

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Present : Mr. Vinod Ghai, Sr. Advocate with
Ms. Kanika Ahuja, Advocate;
Ms. Rabiya Thakur, Advocate;
Mr. Prasouk Jain, Advocate and
Mr. Parunjeet Singh, Advocate for the petitioner.

Mr. Harish Rathee, Deputy Advocate General, Haryana.

Mr. S. P. Jain, Additional Solicitor General of India with
Mr. Alok Jain, Senior Penal Counsel for UOI.

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RAJBIR SEHRAWAT, J. (Oral)

This is a second petition filed by the petitioner 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 Section 447 of the Companies Act, 2013 and Section 120-B read with Sections 417, 418, 420 & 467 of the Indian Penal Code.

A perusal of the record shows that the first petition i.e.

CRM-M No.36693-2019 filed by the petitioner for the same purpose, was

dismissed by this court vide order dated 13.11.2019; by passing a detailed order, dealing with all the aspects involved and argued in the matter. Now, the petitioner has filed the second 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.

It has, additionally, been submitted by the counsel for the petitioner that after dismissal of the first bail petition, about two years have passed and the petitioner is in continuous custody since then, and also, that even the complainant had moved an application before the trial court for segregation of the cases of the persons like the petitioner, who are in custody, but even the said request has been declined by the trial court. Therefore, the trial is likely to take still longer time. Hence the petitioner should be granted bail. However, this court does not find this to be a ground sufficient to grant the bail. Mere passing of more time in custody cannot be a ground for grant of bail in this matter because of the serious proportions of the crime alleged to be involved in the present case.

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; on merits; 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 main petition and in the application for interim bail, the same are dismissed.

18TH NOVEMBER, 2021
'raj'

(RAJBIR SEHRAWAT)
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes</i>	<i>No</i>
<i>Whether Reportable:</i>	<i>Yes</i>	<i>No</i>