

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25326 of 2022

Arising Out of PS. Case No.-255 Year-2020 Thana- PATLIPUTRA District- Patna

ASHMEET SINGH @ ASHMIT SINGH, Son of Sri Amarjeet Singh,
Resident of E-43, Chhatarpur, Extension, Near Nanda Hospital, P.S.-
Chhatarpur, New Delhi, PIN-110074

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s :	Mr.Ashok Kumar Choudhary, Sr. Advocate Mr. Dhananjay Kumar Tiwary, Advocate
For the Opposite Party/s :	Mr.Choubey Jawahar, A.P.P.
For the O.P. No. 2 :	Mr. N.K.Agrawal, Sr. Advocate Mr. Saket Tiwary, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 13-06-2022 Learned counsel for the petitioner undertakes to remove all the defects as pointed out by office within four weeks after start of normal functioning of the Court.

Heard Mr. Ashok Kumar Choudhary, learned Senior Counsel assisted by Mr. Dhananjay Kumar Tiwary, learned Advocate for the petitioner, Mr. N.K. Agrawal, learned Senior Counsel assisted by Mr. Saket Tiwary, learned Advocate for the informant and Mr. Choubey Jawahar, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in connection with Patliputra P.S. Case No. 255 of 2020 registered for the offences punishable under Sections 419, 420, 406, 467, 468 and 471 of the Indian Penal Code. He is in custody since 18.02.2022. The petitioner has disclosed four criminal antecedents



with specific averments that all these cases have been lodged by the informant and one of them has been lodged by the second wife of the informant in which the petitioner as well as the informant are accused. In one of the cases the Hon'ble Punjab and Haryana High Court has stayed the proceeding and in one of the cases petitioner has been granted anticipatory bail.

The prosecution case as stated in the impugned order are as under:-

“The informant is Director from beginning of MSD Telematics Pvt. Ltd. having its headquarter in Gurgaon in Haryana and regional office at Software Technology Park at Patliputra at Patna. The main business of the company is providing GPS services to different government organizations in Bihar/Jharkhand. The informant further says that he stays out of the country and he has appointed Ashmeet Singh as Director (Operation) and made in charge of Bihar/Jharkhand. Ashmeet Singh through his trusted employees Dheeraj Dhanraj, Lalit and others have misappropriated crores of rupees of the company and have floated a new company IMZ corporate Pvt. Ltd. while working in MSD Telematics Pvt. Ltd. He started a parallel business of (GPS) in 2019. The informant further alleges that after returning, he asked for the accounts from Ashmeet Singh then Ashmeet Singh avoided for some days and on 01.12.2019 he resigned from the informant's



company and left the office in January 2020. The informant further alleges that the informant's company has agreement with Vodafone and Airtel for providing GPS services. Ashmeet Singh wrote to Vodafone and Airtel that informant's company had floated IMZ Corporate Pvt. Ltd. and the GPS connection will be given in the name of new company. Ashmeet Singh also used the letter head and stamp of the informant's company though the informant's company has no concern with IMZ Corporate Pvt. Ltd. It is further alleged by the informant that the accused have misappropriated 10 crores. Prashant Yadav, Sachin Mathur, Harsh Malhotra and Ashmeet Singh used to see the work of the company. Dheeraj Dhanraj and Prashant Yadav took payment of 7000 vehicle owners in the new company though the money belongs to the informant's company after telling them that the new company was the assisting company of the informant's company. When the informant came to know about this from Vodafone and Airtel then they tried to get information from Ashmeet Singh and Sachin Mathur who threatened him. Ashmeet Singh used forged documents for his benefits and benefited himself illegally during the foreign stay of the informant. The informant's company was working with BSFC since 2015. Ashmeet Singh formed the new company in 2019 and under a conspiracy committed forgery and cheating in December 2019. It is alleged by the informant that while working in his



company, forming a new company, projecting it to be a part of the informant's company, creating forged document by using the letter head and stamp of the informant's company, misappropriating huge sum of money and keeping the government organizations in dark, is an offence. All the accused persons had conspired and committed the offences due to which the informant's company had suffered loss of crores and reputation.”

Learned Senior Counsel for the petitioner submits that it is an admitted position in this case that the petitioner happened to be one of the Directors of MSD Telematics Private Limited. The whole allegation in the F.I.R. is that this petitioner and other employees who are named in the F.I.R. had used forged documents for unlawful gain and they had taken benefit of stay of the informant in foreign countries. It is also one of the allegations that the petitioner had floated a new company namely IMZ Corporate Pvt. Ltd. and then business were taken in the name of the said company with some of the clients which originally belong to MSD Telematics Private Limited.

Learned Senior Counsel has drawn the attention of this Court towards the order dated 23.12.2020 passed by this Court in Cr. W.J.C. Case No. 378 of 2020 in which while dealing with the action of the I.O. in freezing of the bank account of the company of this petitioner, this Court had occasion to examine the various



documents including the form of share holding in which the petitioner and the informant were dealing their share in the company. It is also submitted that the petitioner and the informant were childhood friends and in the year 2011 this petitioner along with the informant had started a business in the name and style of MSD Telematics Private Limited and that this petitioner had got 50% share holding in the MSD Telematics Private Limited.

Learned Senior Counsel further submits that as the disputes arose between the parties they entered into a settlement whereunder this petitioner resigned from the Directorship of the company w.e.f. 31.12.2019 and the informant became Director of MSD Telematics Private Limited on 01.01.2020. At this stage, the allegation is that the agreement which was signed by the parties had some clauses which were in advantage of this petitioner and the informant claimed that the agreement contained some of the clauses which had been creating hardship to him. Thereafter, he lodged the F.I.R. and alleged that this petitioner was running his business giving an impression that he was representing MSD Telematics Private Limited even after 01.12.2020.

Learned Senior Counsel has taken this Court through the impugned order passed by learned Additional Sessions Judge-XXV, Patna while rejecting the prayer for bail of the petitioner. It is pointed out that one of the grounds pleaded before the learned



Additional Sessions Judge-XXV, Patna was that the accused is in custody since 18.02.2022 and according to the case diary custodial interrogation is not required, still the learned Additional Sessions Judge rejected the prayer for bail saying that because the case has been registered under non-bailable Sections, bail cannot be granted only because the Police did not seek the custodial interrogation.

It is lastly submitted that in the nature of this case when Police has already submitted the chargesheet and in course of investigation never required custodial interrogation, moreover, the evidences of are documentary nature, the learned Additional Sessions Judge has rejected the prayer for bail of the petitioner for no plausible reason.

Mr. N.K.Agrawal, learned Senior Counsel for the informant submits that the petitioner has duped the informant and even though he had got 50% share holding in the company but fact remains that in the absence of the informant the petitioner has used certain forged documents for his unlawful gain.

Mr. Choubey Jawahar, learned APP for the State is present and has also opposed the prayer for regular bail of the petitioner on similar grounds as submitted by Mr. N.K.Agrawal.

Having regard to the facts and circumstances noted hereinabove and the submissions advanced on behalf of learned Senior Counsel for the parties as also on perusal of the records,



this Court finds that in course of investigation of this case Police did not seek any custodial interrogation of the petitioner, the admitted fact of the case as appearing from the F.I.R. shows that the petitioner and the informant had floated the company and petitioner was holding 50% share in the said company and further when the disputes arose between the parties they had entered into a settlement, the allegation is that the petitioner had breached the terms and conditions of the settlement which were mostly in favour of the petitioner and to the disadvantage of the informant, in the totality of the circumstances, the nature of dispute and the fact that the petitioner was seeking regular bail in a case where his custodial interrogation was not required, the learned Additional Sessions Judge-XXV, Patna has erred in rejecting the prayer for bail of the petitioner, there is no material before this Court to suggest that the petitioner is in any way likely to influence the course of trial if released on bail, in the circumstances, this Court directs that the petitioner above named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-X, Patna in connection with Patliputra P.S. Case No. 255 of 2020, subject to the condition as laid down under Section 437 (3) Cr.P.C.

And further condition that the court below shall verify



the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take steps for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

