

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

CRM-M-5184-2022

Date of decision : 6.4.2022

Aashish Bhardwaj

..... Petitioner (s)

Versus

State of Punjab

..... Respondent (s)

CORAM: HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

Present: Mr. Akshay Bhan, Senior Advocate with  
Mr. H.P.S. Sandhu, Advocate for petitioner.

Mr. B.S. Sewak, Additional A.G. Punjab.

Mr. Yajur Bhalla, Mr. Siddharth Sandhu, Mr. Gurkamal  
Kandhola, Advocates for complainant.

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HARINDER SINGH SIDHU, J.

This is a petition filed under Section 439 Cr.P.C. for grant of regular bail in case FIR No. 110, dated 18.12.2021 registered under Sections 420, 406, 120 B IPC at Police Station Dhakoli, SAS Nagar.

FIR was lodged on the complaint of one Dilsher Singh Bajwa who alleged that he was acquainted with petitioner. The petitioner took him to one Narender Chaudhary who stated that he is running a company in the name of Creamway Dairy Farms which was supplying thousand of liters of milk in the tri city area. Narender Chaudhary induced the complainant to invest Rs. 1,00,00,000/- in the said firm. The complainant was promised that he would become a partner with 25% share in the Firm and he would get return of rupees one lac every month. He was also promised that he would be made Incharge of Zirakpur, Dhakoli area. It is alleged that petitioner invested one crore rupees in the firm between March 2017 to August 2017. Behind the back of complainant one Shiba Chaudhary was inducted as partner in the firm by Narender Chaudhary. However, no distribution centre for Zirakpur, Dhakoli and Dera Bassi was opened nor was petitioner given the return of rupees one lac as promised. In April 2019, the partnership firm M/s Creamway Dairy Firm was sold to M/s Himalayan Creamery Private Limited for Rs. 1,40,00,000/-. However, the complainant did not

receive any amount from the sale of M/s Creamway Dairy Farm. Narender Chaudhary sold his 76% share in M/s Creamway Dairy Pvt. Ltd. to M/s Himalayan Creamway Pvt. Ltd. and retained 19.5% share with himself and allotted 4.5% share to complainant. M/s Creamway Dairy Private Limited was to market the products of M/s Himalayan Creamway Pvt. Ltd. The complainant was promised that he would earn Rs. 1,00,000/- per month. Though, substantial amount is being received by M/s. Creamway Dairy Private Limited from M/s Himalayan Creamery Private Limited, however, complainant has not received anything. Instead the amount received by M/s Creamway Dairy Private Limited is being transferred into the accounts of firms and persons wholly un-connected with business.

Mr. Bhan, learned senior counsel for petitioner has contended that no criminal offence is made out in this case. At best, it is a case of breach of contract, the remedy whereof is to institute appropriate civil proceedings.

The petitioner was taken into custody on 20.12.2021. The investigation in the case is complete and challan has been filed.

Considering the aforesaid facts and circumstances, no useful purpose would be served by keeping the petitioner behind bars. Hence, petition is allowed. Petitioner Aashish Bhardwaj is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of learned Chief Judicial Magistrate/Duty Magistrate concerned.

(HARINDER SINGH SIDHU)  
JUDGE

6.4.2022

sjks

Whether reasoned order : Yes

Whether reportable : Yes / No