

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

201

CRM-M-7875-2022 (O&M)

Date of Decision: 07.05.2022

PARDEEP GANDHI

... Petitioner

Versus

STATE OF U.T., CHANDIGARH

... Respondent

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present: Mr. Sandeep Sehgal, Advocate
for the petitioner.

Mr. C.S. Bakshi, Addl. P.P. for U.T., Chandigarh.

VINOD S. BHARDWAJ, J. (ORAL)

Instant petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in case FIR No.307, dated 06.10.1998 under Sections 420, 467, 468, 471 & 120-B of the Indian Penal Code, 1860 registered at Police Station Central, Sector 17, Chandigarh.

Learned counsel appearing on behalf of the petitioner *inter alia* argued that as per the FIR registered at the instance of the complainant Dinesh Chawla, the petitioner was an employee of Sumit Dutt Mazumdar, who was the sole Proprietor of Mutual Security, Yulan Finance Limited and that the complainant had invested his money in the Mutual Security, Yulan Finance Limited. It is submitted that an agreement in this regard was executed between Sumit Dutt Mazumdar- the Proprietor of the Company and the complainant. It is stated that as per the allegations, the petitioner was present at the time when the agreement in question was signed. It is,

however, not disputed that the petitioner is not the signatory to the said agreement. He further contends that the deposit so made by the complainant is in the account of the company, of which the petitioner was an employee and that cheques in relation to discharge of the said liability are also stated to have been issued by Sumit Dutt Mazumdar- the Proprietor. He contends that there has been no transaction that has been executed by the complainant with the petitioner and no advance/payment was made to the petitioner or in his account. It is contended that an investment decision having gone bad does not render the petitioner criminally liable. He further submits that in order to show his bonafide, the petitioner has already deposited the amount, as stated in the complaint, with the Trial Court. He further contends that the petitioner is in custody since 27.10.2021. The investigation in the case is complete and that his further custodial interrogation is neither desirable nor warranted.

Mr. C.S. Bakshi, Addl. Public Prosecutor appearing on behalf of the U.T., Chandigarh has pointed out that the petitioner was declared as proclaimed offender on 31.07.1999 and that he surrendered only on 27.10.2021. It is also pointed out that the other co-accused namely Sumit Dutt Mazumdar is a proclaimed offender since 31.07.1999 and has not been arrested so far. It is thus argued that there is every possibility of the petitioner absconding from the process of law and not co-operating in the administration of justice.

I have heard the learned counsel for both the parties and have considered the rival submissions.

It has not been disputed by the learned Addl. Public Prosecutor that the petitioner has already shown his bonafide by depositing the entire amount with the Illaqa Magistrate and further that no recovery of any nature has been

effected from or at the instance of the petitioner. It is also not denied that the petitioner does not suffer from any criminal antecedents and is not involved in any other criminal case. Moreover, there is nothing on record to suggest as to how and in what manner the petitioner had been served or was made aware with respect to his involvement in the present case. It is also evident that only three witnesses have been examined out of the total 20 witnesses cited by the prosecution.

In view of the above and taking into consideration the totality of the facts and circumstances of the instant case, role attributed to the petitioner, the nature of allegations and the period of custody undergone by the petitioner, I deem it appropriate to allow the instant petition.

Accordingly, the present petition is allowed and the petitioner is admitted on regular bail subject to his furnishing some heavy bail bonds/surety bonds to the satisfaction of Trial Court/Duty Magistrate, concerned.

It is made clear that the petitioner shall not extend any threat and shall not influence any prosecution witness in any manner directly or indirectly.

The observation made hereinabove shall not be construed as an expression on the merits of the case and the Trial Court shall decide the case on the basis of available material.

(VINOD S. BHARDWAJ)
JUDGE

07.05.2022
rajender

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