

212

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-7619-2019 (O&M)
Date of Decision:22.03.2022

Rajesh Paonta @ Rajesh Sharma and another

.. Petitioners

Vs.

State of Punjab

..Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Vivek Goyal, Advocate for the petitioners.

Mr. Ramdeep Partap Singh, DAG, Punjab.

Mr. Vishal Munjal, Advocate
for the complainant.

...

Manoj Bajaj, J. (Oral)

Petitioners have approached this Court under Section 438 Code of Criminal Procedure to seek anticipatory bail in a case FIR No.306 dated 30.11.2018 registered under Sections 406, 420 and 120-B IPC at Police Station Sohana, District SAS Nagar, who apprehend their arrest at the hands of Police.

Learned counsel for the petitioners has argued that as per allegations, complainant Arun Malhotra suffered wrongful loss of approximately fourteen lacs rupees, which was paid by him upon a promise made by co-accused Sheetal Dass Katru assuring him to facilitate the settlement of the complainant and his family abroad. According to him, the said transaction took place in the year 2017 and the co-accused of the petitioner, namely, Rajesh Kamboj and Sheetal Dass Katru have already been released on pre arrest bail. He submits that the other co-accused,

namely, K.V.S. Randhawa, who had issued the cheque in favour of the complainant to return the alleged amount also stands released on regular bail and the petitioners are not connected with the alleged company, namely, M/s Rich Hand Pictures Private Limited. Learned counsel has further drawn the attention of the Court to the order dated **20.02.2019** and the said order reads as under:

“Present petition under Section 438 Cr.P.C. for seeking pre-arrest bail to the petitioner(s) in case FIR No. 306 dated 30.11.2018, registered under Section(s) 406, 420 & 120-B IPC at Police Station Sohana, District S.A.S. Nagar.

Learned counsel for the petitioners contended that petitioners were not directors of the company at any point of time and there are no allegations against them. More so, co-accused Sheetal Dass has already joined the investigation in this case and admitted to bail. Learned counsel further contended that petitioners are ready to join the investigation.

Notice of motion.

On asking of the Court, Mr. Prabhjot Singh Walia, Assistant Advocate General, Punjab accepts notice on behalf of respondent . A copy of paper-book be provided to him during the course of the day.

List on 27.02.2019.

Meanwhile, petitioner(s) are directed to join the investigation. In the event of arrest, petitioner(s) shall be released on interim bail to the satisfaction of the Investigating Officer. The petitioner(s) will join the investigation as and when called for and shall also abide by the conditions as specified under Section 438(2) Cr.P.C. ”

Pursuant to the above order, the petitioners have joined the investigation on number of occasions. He prays for anticipatory bail.

The prayer is opposed by learned State counsel assisted by learned counsel for the complainant on the ground that the passports belonging to the complainant and his family members, which were given to the accused have not been recovered so far and in this regard, learned State counsel has invited the attention of the Court to the reply filed by way of an affidavit of Ramandeep Singh, PPS, Deputy Superintendent of Police, City-

petitioners is necessary. It is elaborated by the learned counsel for the complainant that the passports belonging to the complainant and his family members are yet to be recovered.

At this stage, Mr. Vivek Goyal, learned counsel for the petitioners has pointed out that the allegations in the FIR are vague and do not indicate that the alleged entrustment of the passports was ever made to the petitioners and particularly when the inducement was by co-accused Sheetal Dass Katru, who has already been rleased on bail, the custodial interrogation of the petitioners may not be necessary.

During the course of hearing, Mr. Munjal, learned counsel for the complainant is unable to reveal the particulars of the passports, much less their validity period and fairly states that no suit for recovery of money has been filed by the complainant against the accused persons. Though it is claimed that the petitioners are promoters of the company, but the said argument is not supported with any supportive material.

After hearing the learned cousnel for the parties, considering the above background as well as the fact that the directors of the company in whose accounts the money was deposited by the complainant, have already been released on pre arrest bail, the custodial interrogation of the petitioners does not seem to be necessary.

Resultantly, without meaning any expression of opinion on the merits of the case, the petition is allowed and the order dated 20.02.2019 is made absolute.

22.03.2022
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE