

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

203

**CRM-M-9674-2022
Date of decision: 22.06.2022**

MUNISH KUMAR ARORA

....Petitioner

Versus

STATE OF HARYANA

...Respondent

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

Present : Mr. S.K. Tripathi, Advocate
for the petitioner.

Mr. Randhir Singh, Addl. A.G. Haryana.

VINOD S. BHARDWAJ. J. (ORAL)

1. The present 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. 0319 dated 31.08.2020 (Annexure P-1) under Sections 406 and 420 of the Indian Penal Code, 1860 registered at Police Station, Kotwali, Faridabad, District Faridabad.

2. Learned counsel for the petitioner *inter alia* contends that the FIR in question has been registered on the basis of a complaint given to the Police by one Khush Nasib leveling allegations against one Paramveer Singh and Munish (the petitioner herein) who had approached him claiming themselves to be Directors and Founders of YRL Group and induced him to obtain franchise of M/s YRL Stores Private Limited by making an investment of Rs.75 lacs. It is stated that

the complainant was induced by the petitioner that upon investing with them, he will be able to earn Rs. 3.5 lacs per month. An agreement was eventually executed between the parties in this regard on 04.01.2018 and he transferred a sum of Rs.75 lacs (37.5 lacs in cash and 37.5 lacs has been transferred in Bank Account) of the said Company/Firm on different dates. However, neither any franchise was allotted to the complainant nor the amount in question was returned. On the complainant exerting pressure for refund of his amount, a cheque was issued by the petitioner-accused which was dishonoured upon presentation and that separate proceedings under Section 138 of the Negotiable Instruments Act, 1881 already stands instituted by the complainant.

3. Learned counsel appearing on behalf of the petitioner further contends that a franchise agreement was executed between the parties, however, the same did not materialize and that the complainant had already instituted proceedings under the Negotiable Instruments Act for the culpable offence of dishonor of the cheque and that the petitioner shall face appropriate proceedings before the Court. He further contends that the investigation in the present case has already concluded and the case is fixed for recording prosecution evidence. There are total of 26 witnesses are to be examined and only 02 witnesses have been examined so far. It is contended that the instant case is a magisterial trial and the petitioner is in custody in the present case since 09.02.2021 and has already undergone an actual custody of more than one year and 04 months.

4. Per contra learned counsel appearing on behalf of the State

contends that the petitioner is a habitual offender and that he has misappropriate an amount of Rs. 60 lacs from the Bank Accounts operated by M/s YRL Stores Private Limited in his personal Account and has defrauded various persons due to which 05 more FIRs were also registered against him. It is however not disputed by the learned State counsel that the petitioner already stands released on bail in all the said cases. It is also not in dispute that the investigation in the case stands concluded and that only 02 witnesses have been examined so far in the magisterial trial which is likely to take long time for its conclusion.

5. I have heard learned counsel appearing on behalf of the respective parties and have gone through the record with their assistance.

6. Taking into consideration the circumstances noticed above, the period of custody, the stage of the trial and also the fact that the petitioner is already enlarged on bail in other cases registered against him, I deem it appropriate to enlarge the petitioner on bail to the satisfaction of the trial Court.

7. The instant petition is allowed and the petitioner is ordered to be released on bail on his furnishing requisite bail bond/surety bond to the satisfaction of the Trial Court/Duty Magistrate, concerned.

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

9. 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.

The petition is allowed.

(VINOD S. BHARDWAJ)
JUDGE

JUNE 22, 2022
vishal sharma

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