

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

CRM-M-7561-2020

Date of Decision: 20th July, 2022

Lalit Jain

... Petitioner

Versus

State of Haryana

... Respondent

CORAM : HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present : Mr. P.S. Ahluwalia, Advocate for the petitioner.
Ms. Geeta Sharma, DAG, Haryana.
Mr. Dinesh Arora, Advocate for the complainant.

AVNEESH JHINGAN , J.(Oral)

This petition is filed for grant of anticipatory bail in FIR No.11, dated 06.01.2020, under Sections 406, 420, 409, 418, 120-B and 477-A of IPC, 1860, registered at Police Station Rohtak City, District Rohtak, Haryana.

As per the case set up, the petitioner was Managing Director of Laxmi Precision Tools Ltd., Rohtak. The employees shares of Employees Provident Fund were deducted but not deposited by the company.

Notice of motion was issued on 20.2.2020.

On 5.3.2020, learned counsel for the petitioner relied upon the decision of the Supreme Court in **Employees State Insurance Corporation v. S. K. Aggarwal, 1998(6) SCC 197** and an interim protection was granted that no coercive steps shall be taken against the petitioner.

On 10.1.2022, following order was passed:

“Due to COVID-19 situation, the Court is convened through video conference.

This petition under Section 438 Cr.P.C. is filed seeking anticipatory bail in FIR No. 11, dated 06.01.2020, under

Sections 406, 420, 409, 418, 120-B and 477-A of IPC, 1860, registered at Police Station Rohtak, City, District Rohtak, Haryana.

Notice of motion was issued on 20th February, 2020.

On 5th March, 2020 following order was passed:-

*“Ld. Counsel appearing for the complainant seeks a short adjournment of proceedings to come back with appropriate counter citations, to the decision of the Supreme Court in '**Employees State Insurance Corporation Vs. S.K. Aggarwal, 1998(6) Supreme 197**', relied upon by the petitioner, to satisfy this Court that the specific meaning of the term “Employer” as used in the Employees' Provident Fund and Miscellaneous Provisions Act, 1952, can be applied in case of prosecution under the General Law of Indian Penal Code.*

Adjourned to 16th March, 2020.

In the meantime, nocoercive action shall be taken against the petitioner.”

Thereafter the case has been consistantly being adjourned and interim order continued.

Learned State counsel further seeks time to file reply. She on instructions submits that investigation could not proceed as due to the interim order, the petitioner did not join the investigation.

On her request, adjourned to 28th March, 2022.

However, as an interim measure to ensure that there is a progress in the investigation of the FIR, let the petitioner join the investigation within one week from today. In the event of arrest, he shall be released on bail subject to his furnishing adequate bail bonds to the satisfaction of the Investigating Officer. He is directed to join the investigation as and when called for. He shall abide by the conditions as envisaged under Section 438(2) Cr.P.C.

Let the reply and the status report be filed by the State counsel before the next date of hearing. It is clarified that joining of investigation is only an interim measure, the case would be considered on the next date.”

Learned counsel for the State, on instructions from PSI Parvinder Singh submits that the petitioner has joined investigation and is co-operating.

Though the complainant is not impleaded as party, Mr. Dinesh Arora, Advocate puts in appearance on behalf of the complainant and opposes the prayer for confirmation of anticipatory bail. He submits that the employees have been duped of their statutory dues and the petitioner is the Managing Director.

At this stage, the court is informed that the issue is now pending before National Company Law Tribunal, moratorium is operating, resolution professional has been appointed.

As per statement of counsel for the State, custody of the petitioner is not required, the interim bail is made absolute.

The petition stands disposed of.

(AVNEESH JHINGAN)
JUDGE

20th July, 2022
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Whether reasoned/speaking	Yes
Whether reportable	No