

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

I) CRM-M-12378-2022 (O&M)

Sumit ... Petitioner

Versus

State of Haryana ... Respondent

II) CRM-M-320-2022 (O&M)

Deepak ... Petitioner

Versus

State of Haryana ... Respondent

Date of Decision:-2.6.2022

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Kuldeep Sheoran, Advocate,
for the petitioner in CRM-M-12378-2022.

Mr. Ashwani Gaur, Advocate,
for the petitioner in CRM-M-320-2022.

Mr. Rajiv Sidhu, DAG, Haryana,
assisted by ASI Sajjan Singh.

GURVINDER SINGH GILL, J.(Oral)

CRM-20948-2022 in CRM-M-320-2022

In view of the reasons mentioned in the application, the same is allowed and the documents annexed with the application are taken on record as Annexures P-3 and P-4 subject to all just exceptions.

CRM-20949-2022 in CRM-M-320-2022

In view of the reasons mentioned in the application, the same is allowed and the hearing of the main petition is preponed from 3.8.2022 and is taken on board today.

CRM-M-12378-2022 and CRM-M-320-2022 (O&M) (Main Cases)

1. This order shall dispose of the above mentioned two petitions filed on behalf of petitioners Sumit and Deepak seeking grant of regular bail in respect of a case registered vide FIR No.159 dated 9.5.2020, Police Station Sector 9-A, Gurugram, District Gurugram, under Sections 420, 467, 468, 471, 506 and 120-B of Indian Penal Code.
2. The FIR was lodged at the instance of Aditya Chaudhary, wherein it is alleged that Sandeep Vats, Vinod, Sumit, Deepak, Pardeep and Jeetu had committed a fraud of an amount of Rs.2,65,58,600/- with the firm of the complainant 'M/s A.V. Logistic Solutions'. The complainant Aditya Chaudhary alleged that Sandeep Vats had been appointed by their firm as Marketing Manager in March, 2018 as he had represented that he has experience of transportation. He was given responsibility to procure work

orders from various companies and was also given a motorcycle to enable him to do the marketing work. It is alleged that Sandeep Vats told the complainant that he had been able to procure transport work from 'M/s Amtek India Limited' having its office at Dharuhera, District Rewari and that trucks were required to be sent for execution of the same, which were to be sent from Bhiwadi (Rajasthan) to Dewas (Madhya Pradesh), Peetampur (Madhya Pradesh), Bangalore, Ahmadabad and Haridwar. It was agreed that the fare of the trucks would be given to the firm 'M/s A.V. Logistic Solutions' after 45 days of submission of the bills. It is alleged that Sandeep Vats formed a firm called 'M/s Amtek Indian Limited' and his brother Pardeep created a firm 'M/s Nihon Parkerzing India Private Limited'. It is further alleged that Vinod, Sandeep Vats and sometimes the boys, who were referred to by them as Sumit, Deepak, Pardeep and Jeetu, used to come to collect money from the office of complainant's firm as advance. It is alleged that Sandeep Vats had been given blank cheques by complainant as Sandeep Vats had represented that the same were to be given as security to 'M/s Amtek India Ltd.' and 'M/s Nihon Parkerzing India Pvt. Ltd.' However, the said cheques had not been returned to the complainant firm. It is further alleged that an amount of Rs.4,44,12,500/- was also released by the complainant company for execution of the work order. However, later it was revealed that two companies i.e. 'M/s Amtek India Ltd.' and 'M/s Nihon Parkerzing India Pvt. Ltd.' were owned by none else but the petitioner Sandeep Vats alongwith other members of his family and were infact bogus firms. The complainant alleged that on account of the said work order, a loss of Rs.2,65,58,600/- had been caused to the complainant company.

3. Learned counsel for the petitioners have submitted that the petitioners have falsely been implicated in the present case and that it is the co-accused Sandeep Vats, who is the main accused and that even as per the FIR, the only role attributed to them is that on some occasions, they used to collect money from the complainant's office, which was infact advance to be given to the transporters. It has also been submitted that since the main accused Sandeep Vats and also Vinod have already been granted bail, the petitioners, who have been behind bars since the last about 8 months, also deserve the same concession.
4. On the other hand, learned State counsel has submitted that since the petitioners are specifically named in the FIR and there are specific allegations against them, no case for grant of bail is made out. Learned State counsel has pointed out that while during the course of investigation, it had surfaced that Sumit had usurped an amount of Rs.15 lakhs and Deepak had usurped an amount of Rs.20 lakhs out of the amount of Rs.2,65,58,600/- of which the complainant was deprived of and, as such, their complicity is clearly evident. It has been informed that both the petitioners have been behind bars since the last more than 8 months and that they are not involved in any other case. It has been informed that charges are yet to be framed and as many as 37 PWs have been cited.
5. I have considered rival submissions addressed before this Court.
6. Even as per the case of prosecution, Sumit is alleged to have benefited to the tune of Rs.15 lakhs and Deepak is alleged to have benefited to the tune of Rs.20 lakhs out of the total defrauded amount Rs.2,65,58,600/-. In any case, this Court need not go into the merits of the case at this stage particularly in

view of the fact that the petitioners have suffered incarceration for a period of 8 months and the trial has not even commenced till date though 37 PWs have been cited. The petitioners otherwise are stated to be having a clean record. Co-accused Sandeep Vats and Vinod have already been granted bail by this Court, which would entitle the petitioners to grant of the same relief on grounds of parity.

7. Having regard to the aforestated facts and circumstances, both the petitions merit acceptance and are hereby accepted and the petitioners are ordered to be released on regular bail on their furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.
8. A photocopy of this order be placed on the file of connected case.

2.6.2022

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No