

IN THE HIGH COURT OF PUNJAB & HARYANA  
AT CHANDIGARH

CRM-M-15879 of 2022

Date of Decision: 9<sup>th</sup> May, 2022

Sandeep @ Neetu Sunariya

Petitioner

Versus

State of Haryana

Respondent

**CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN**

Present: Mr. Vinod Ghai, Senior Advocate with  
Mr. E. Masih, Advocate for the petitioner.  
Ms. Geeta Sharma, DAG, Haryana.

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**AVNEESH JHINGAN, J (Oral):**

This petition is filed seeking regular bail in FIR No. 309 dated 21.8.2021, under Sections 380, 381, 382, 454, 457, 411, 120-B and 201 IPC and Section 25 of the Arms Act, 1959 and Sections 7 and 8 of the Prevention of Corruption Act, 1988 registered at Police Station Kherki Dhaula, District Gurugram.

Learned senior counsel appearing for the petitioner claims parity with co-accused Dr. Ashwani Kumar who was granted bail on 19.4.2022 by passing the following order:

*“These three petitions are filed for grant of regular bail in FIR No. 309, dated 21<sup>st</sup> August, 2021, under Section 380 IPC, (Sections 201, 381, 382, 454, 457, 411, 120-B IPC, Section 25(1B)(a) of the Arms Act, 1959 and Sections 7 and 8 of the Prevention of Corruption Act, 1988 were added later on) registered at Police Station Khedki Daula, Gurugram.*

*Brief facts of the case are that Santosh Singh got registered FIR on 21<sup>st</sup> August, 2021 with regard to theft of money from a flat. After five days, he made supplementary statement that a sum of Rs. 50 lakhs was stolen and he*

*suspected Parveen Singh and Mohit Kumar. Parveen Singh was arrested on 11<sup>th</sup> September, 2021 whereas Dara Singh, Amit and Abhinav Sharma were produced on production warrants on 5<sup>th</sup> October, 2021. On basis of disclosure and supplementary disclosure of accused in custody, Dr. Ashwani Kumar, Sandeep @ Neetu Sunaria, Dr. Suchender Jain Nawal and Dr. Gurpartap Singh were nominated. In supplementary disclosure, Dr. Suchender Jain Nawal on 13<sup>th</sup> November, 2021 disclosed that he on asking of Vikas approached Dheeraj Kumar Setia for hushing up the matter. During investigation it revealed that theft was not of Rs. 50 lakhs but of more than Rs. 30 crores and gold.*

*Learned Senior Counsel Mr. R.S.Cheema appearing for the petitioner in **CRM-M-7507-2022** submits that the petitioner is in custody since 9.11.2021, investigation is complete, challan stands presented. He argued that the petitioner is a well-known doctor and there is no chance of absconding. Contention is that the petitioner was named in a disclosure statement and no recovery was made from the petitioner. It is further argued that other co-accused are yet to be arrested, source of money is to be traced and hence, conclusion of trial is likely to take time. He submits that the petitioner has given his consent for giving voice sample and would appear before the lab on the date and time communicated to him at least three days in advance.*

*Learned Senior Counsel Mr. Anmol Rattan Sidhu appearing for the petitioner in **CRM-M-6093-2022** submits that the petitioner was named in a disclosure statement. The role attributed to the petitioner is that he actively participated in transporting the alleged stolen property. Recovery has already been effected from the petitioner and no further recovery is to be made. He further submits that conclusion of trial will take a long time and investigation qua the petitioner is complete.*

*Learned Senior Counsel Mr. Vinod Ghai appearing for the petitioner in CRM-M-1734-2022 submits that the petitioner was named in a disclosure statement. No recovery was made from the petitioner. He further submits that the petitioner consented for Polygraphic Test and has undergone the test. The petitioner is in custody since 9.11.2021 and investigation is complete qua the petitioner.*

*Learned State Counsel on instructions from DSP, Deepak Kumar opposes the grant of bail to the petitioners and submits that though the investigation qua the petitioners at this stage is complete but the matter is still being investigated and other co-accused are yet to be arrested. She further submits that there may be change in the circumstances where the petitioners may be needed, liberty is sought for availing remedies if there is change in circumstances.*

*The investigation qua the petitioners is complete, challan stand presented. Considering the nature of the allegations and the nature of investigation involved, there is likelihood of trial not being concluded in near future. Depriving of personal liberty of the petitioners, to await the arrest of the co-accused and thereafter conclusion of the trial, would be unreasonable. The petitioners are granted regular bail subject to furnishing bail bonds and surety of Rs.1 lakh each with CJM/Trial Court concerned.*

*Needless to say that the Investigating Agency would be at liberty to avail remedies in accordance with law in case of change of circumstances.*

*Petitions are allowed.*

*A photocopy of this order be placed on the file of connected case(s).”*

The submission is that the role attributed to the petitioner is similar to that of Dr. Ashwani Kumar and no further recovery is to be made.

Learned state counsel files the reply, the same is taken on record. However, on instructions she is not in a position to dispute the contention raised by learned senior counsel claiming parity.

Without commenting on the merits of the case, on the basis of the parity of the petitioner vis-a-vis Dr. Ashwani Kumar so far as grant of bail is concerned, considering that the petitioner is in custody since 9.11.2021, challan stands presented against him and conclusion of trial will take time, the petitioner is granted regular bail subject to furnishing bail bonds and surety of Rs.1,00,000/- with the Chief Judicial Magistrate/Trial Court concerned.

Needless to say that the Investigating Agency would be at liberty to avail remedies in accordance with law in case of change of circumstances.

The petition is allowed.

[AVNEESH JHINGAN]  
JUDGE

9<sup>th</sup> May, 2022  
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|-------------------------------|---|----------|
| 1. Whether speaking/ reasoned | : | Yes / No |
| 2. Whether reportable         | : | Yes / No |