

CRM-M-25356-2022 (O&M) and
CRM-M-40219-2022 (O&M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-25356-2022 (O&M)
Date of Decision: 17.11.2022

(I)

Arvind Gautam

....Petitioner(s)

Versus

State of Haryana

.....Respondent(s)

CRM-M-40219-2022 (O&M)

(II)

Sanjeev Kuma @ Sanjeev Manjhu

....Petitioner(s)

Versus

State of Haryana

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Anil Mehta, Advocate,
for the petitioner in CRM-M-25356-2022

Mr. Vishal Garg Narwana, Advocate,
for the petitioner in CRM-M-40219-2022.

Mr. Naveen Singh Panwar, Deputy Advocate General, Haryana.

JASGURPREET SINGH PURI, J. (Oral)

Both petitions are taken up together for final disposal with the consent of learned counsel for the parties since the prayer in both the petitions pertain to the grant of regular bail and they arise out of the same FIR.

Both petitions have been filed under Section 439 of the Code of

Criminal Procedure for the grant of regular bail to the petitioners in FIR No. 0781 dated 31.12.2019, under Sections 406, 420 and 120-B IPC, registered at Police Station Yamuna Nagar City, District Yamuna Nagar.

It has been submitted by both the learned counsels for the petitioners that the petitioners are in custody from 27.12.2021 which is almost 11 months. They have submitted that the investigation of the case has been completed and thereafter, the challan has been presented and no witness has been examined till date and there are total 217 witnesses in the present case. They further submitted that it is a case triable by Magistrate and the allegations against both the petitioners were that the petitioner Sanjeev Kumar @ Sanjeev Manjhu in CRM-M-40219-2022 is a Director of the company namely M/s Credence Buildtech India Limited and the petitioner Arvind Gautam in CRM-M-25356-2022 was the Deputy Director of the company and was an employee of the company and they alongwith the other co-accused have taken money from the complainant for the purpose of doubling the money within a period of five years but the same was not returned and in this way, they have cheated. They further submitted that there is no evidence at all to show as to by what method the money has been transferred by the complainant to either the company or the present petitioners. They further submitted that a perusal of the FIR would show that it was totally vague and no details have been given at all. They further submitted that the petitioners are also involved in as many as 24 cases of similar nature but in those cases the money was given to the company and out of 24 cases, 14 matters have been compromised by returning back the money and thereafter the said FIR has since been quashed by the Rajasthan High Court and the cancellation report in the remaining 6 cases in Rajasthan was filed and in remaining 4 cases they are on bail. They submitted that so far

as the complainant of the present case is concerned, the petitioners had not taken any money from him and rather the complainant himself was running a parallel company of a similar kind and has lodged a false complaint against the petitioners. They further submitted that be that as it may, the investigation of the case has been completed and the trial of the case may take long time because as many as 217 witnesses are to be examined and therefore, the petitioners may be considered for the grant of regular bail.

On the other hand, Mr. Naveen Singh Panwar, learned Deputy Advocate General, Haryana has submitted that it is correct that the petitioners are in custody from 27.12.2021. He referred to the affidavit filed by the State and submitted that so far as the petitioner Arvind Gautam is concerned, he was Deputy Director of the company and so far as the petitioner Sanjeev Kumar @ Sanjeev Manjhu is concerned, he was the Director of the company and they are also involved as many as 24 other cases and on this ground, he has opposed the grant of regular bail.

I have heard the learned counsel for the parties.

The petitioners have faced incarceration for 11 months and investigation of the case has been completed and thereafter the challan has been presented. During the course of arguments a specific query was raised to the learned State counsel as to by what method the money, if any, was given by the complainant to the petitioners, he stated on specific instructions from SI Anil Kumar that the money was paid by way of cash.

This Court is of the view that if the alleged money has been paid by way of a cash, then the same would be debatable issue and a matter of trial. During the course of arguments, the learned counsels for the petitioners have also referred to an order passed by a Co-ordinate Bench of this Court in CRM-

M-36355-2022 vide Annexure P-4 in CRM-M-40219-2022 wherein in a similar circumstances another FIR was lodged against the petitioner and the petitioner Sanjeev Kumar @ Sanjeev Manjhu has been granted bail by this Court.

In view of the aforesaid facts and circumstances, this Court deems it fit and proper to grant regular bail to the petitioners.

Consequently, both the petitions are allowed. Both the petitioners shall be released on regular bail subject to furnishing bail bonds/surety to the satisfaction of the learned trial Court/Duty Magistrate concerned, if not required in any other case.

However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is meant for the purpose of deciding the present petitions only.

17.11.2022

rakesh

Whether speaking
Whether reportable

**(JASGURPREET SINGH PURI)
JUDGE**

: Yes/No
: Yes/No