

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-32695-2022
Date of decision : 04.08.2022

Satya Dev Bhardwaj

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR.JUSTICE VIKAS BAHL

Present: Mr. G.C. Shahpuri, Advocate
for the petitioner.

Mr.Munish Sharma, AAG, Haryana.

VIKAS BAHL, J.(ORAL)

This is a second petition under Section 439 Cr.P.C. for grant of regular bail to the petitioner in FIR no.269 dated 25.04.2019 registered under Sections 406, 420, 120-B IPC at Police Station Sector 8, Faridabad, District Faridabad.

Learned counsel for the petitioner has submitted that in the present case the petitioner has been in custody since 01.04.2021 and there are 28 witnesses and none of them have been examined and thus, the trial is likely to take time. It is further submitted that a perusal of the FIR would show that primarily, a civil dispute has been sought to be given a criminal colour and as per the said FIR, investments have been made in two companies, i.e., M/s Credible Agro & Land Limited and M/s Saravjana Corporation Producer Co. Ltd which are alleged to have indulged in a chit fund business. It is also submitted that although in the FIR, it has been

stated that the petitioner is the owner of the two companies but the same is incorrect inasmuch as, as per the CA report based on ROC search (Annexures P-2 and P-3) with respect to both the said companies, it has specifically been observed that on the basis of records available in the data base of the Ministry of Corporate Affairs on its website, the present petitioner was neither appointed as a Director nor authorised signatory nor as the Chairman of said two companies. The details of the persons, who are or have been directors, have been mentioned in the said two documents. It is stated that Manoj Kumar, Mukesh Kumar and Vikram Singh Solanki, who are the directors of the company, have already been granted anticipatory bail/ regular bail vide orders dated 09.09.2020, 05.05.2021 and 12.05.2021 respectively, by the Additional Sessions Judge, Faridabad. It is also stated that earlier bail application filed by the petitioner was withdrawn on 24.11.2021 and even thereafter, a period of more than 7 months has elapsed and yet, no witness has been examined and thus, the trial has not made much progress and the said circumstance is a substantial subsequent circumstance in order to entitle the petitioner to the concession of regular bail.

Learned State counsel, on the other hand, has opposed the present petition for regular bail and has submitted that as per the allegation levelled in the FIR, it is the petitioner who is the owner of the two companies and the present petitioner has withdrawn substantial amount of money from the said two companies. It is further submitted that in the present case there are four complainants who have been duped of an amount to the tune of Rs.35,36,827/- in the hope that their investment would be doubled.

This Court has heard learned counsel for the parties and has perused the paper book.

A perusal of the FIR would show that the two companies, i.e. M/s Credible Agro & Land Limited and M/s Saravjana Corporation Producer Co. Ltd. are stated to be involved in a chit fund business and the present petitioner is stated to be the owner of the said companies and several persons, whose names have been mentioned in the FIR, are stated to be the Directors/employees of the companies. A perusal of the CA reports based on ROC search (Annexures P-2 and P-3) with respect to the said companies would show that it has specifically been observed that on the basis of records available in the data base of the Ministry of Corporate Affairs on its website, the petitioner is neither appointed as a Director, nor as authorised signatory nor as Chairman of the said two companies and the persons, who are the directors or have been the directors, have been specifically detailed therein. Co-accused of the petitioner, namely Manoj Kumar-director, Sunil Thakur, Hari Singh Yadav have already been granted the concession of anticipatory bail by the Court of Additional Sessions Judge, Faridabad vide order dated 09.09.2020 (Annexure P-5), order dated 03.01.2022 (Annexure P-8) and order dated 11.01.2022 (Annexure P-9), respectively. Even Mukesh Kumar-director and Vikram Singh Solanki-director have been granted the concession of regular bail by the Additional Sessions Judge, Faridabad vide order dated 05.05.2021 and 12.05.2021 (Annexures P-6 and P-7), respectively. The petitioner has been in custody since 01.04.2021 and there are 28 witnesses and none of them have been examined and thus, the trial is likely to take time. The earlier bail application filed the petitioner was dismissed as withdrawn at that stage

vide order dated 24.11.2021 and even after the same, a period of more than 7 months has elapsed yet, no witness has been examined and the present case is triable by Magistrate.

Keeping in view the above said facts and circumstances, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail / surety bonds to the satisfaction of the concerned trial Court/ Duty Magistrate and subject to him not being required in any other case.

However, it is made clear that in case, any act is done by the petitioner to threaten or influence the complainant or any of the witnesses, then it would be open to the State to move an application for cancellation of bail granted to the petitioner.

Nothing stated above shall be construed as a final expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail petition.

(VIKAS BAHL)
JUDGE

August 04, 2022

Davinder Kumar

Whether speaking / reasoned
Whether reportable

Yes/No
Yes/No