

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

203-4

CRM-M-38737-2021

Date of Decision:11.07.2022

SANJAY KUMAR @ SANJAY TYAGI AND ANR. ...PETITIONERS

VERSUS

STATE OF HARYANA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Sadeev S. Kang, Advocate for
Mr. Vaibhav Narang, Advocate for the petitioners.

Ms. Mahima Yashpal, DAG, Haryana.

SUVIR SEHGAL, J.(ORAL)

On 28.09.2021, this Court passed the following order:-

“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. 290, dated 12th July, 2021, under Sections 406, 420 and 506 IPC, registered at Police Station Ambala Cantt., Ambala.

The FIR was at the instance of members of three societies namely (i) Sahara Credit Cooperative Society Ltd., (ii) Humara India Credit Cooperative Society and (iii) Saharayn Universal Multipurpose Society Ltd. The allegations in the F.I.R. are that petitioners who were Regional Manager and Area Manager at Sahara India respectively, got investment in the cooperative societies on their personal assurance of returns but there is default in repayment.

Learned senior counsel for the petitioners contends that the petitioners are only the employees of Sahara India, the investment was made in cooperative society. He submits that Hon'ble Supreme Court of India, vide orders dated 21st November, 2013 and 3rd August, 2016 (Annexures P-5 and P-6 respectively), has placed an embargo on the Sahara Group of Companies from selling or disposing of any movable or immovable properties and the embargo is

continuing till date. He relies upon order dated 30th July, 2021 of this Court passed in CRM-M-29996-2021 whereby interim bail was granted to the similarly situated accused as the petitioners in an FIR having similar allegations.

Notice of motion.

Ms. Dimple Jain, Assistant Advocate General, Haryana appearing on advance notice, accepts the same on behalf of respondent-State and on instructions is not in a position to distinguish case of petitioners from the case relied upon by learned senior counsel for the petitioner.

List on 11th November, 2021.

In the meantime, the petitioners shall join the investigation and would come present as and when called for and in the event of arrest, they shall be admitted to interim bail on their furnishing personal and surety bonds to the satisfaction of the Arresting / Investigating Officer. They shall also abide by the conditions as specified under Section 438 (2) Cr.P.C.

To be heard with CRM-M-29996-2021.”

Status report by way of an affidavit of Deputy Superintendent of Police, Ambala Cantt. has been filed on behalf of the respondent-State, which is taken on record. By referring to the status report, State counsel submits that both the petitioners have joined the investigation and are no longer required for custodial interrogation.

In view of the above statement, the present petition is allowed and the order dated 28.09.2021 granting interim bail to the petitioners is made absolute, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure.

11.07.2022
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(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No