

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

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**CRM-M-36355-2022(O&M)**

**Date of decision: 24.08.2022**

**SANJEEV KUMAR ALIAS SANJEEV MANJHU**

....Petitioner(s)

**Versus**

**STATE OF HARYANA**

...Respondent(s)

**CORAM: HON'BLE MR. JUSTICE VIKAS BAHL**

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Present : Mr. Vishal Garg Narwana, Mr. Sagar Sharma and  
Mr. Vasu Ranjan Shandilya, Advocates  
for the petitioner.

Mr. Praveen Bhadu, AAG Haryana.

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**VIKAS BAHL. J. (ORAL)**

This is the first petition filed under Section 439 CrPC for grant of regular bail to the petitioner in case FIR No.324 dated 10.10.2019 registered under Sections 420, 406, 120-B of the IPC [Sections 4/5/6 of Prize Chits and Money Circulation Schemes (Banning) Act, 1978 added later on] at Police Station City Mandi Dabwali, District Sirsa.

Learned counsel for the petitioner has submitted that the petitioner is in custody since 25.10.2021 and the investigation in the case is complete. Challan has been presented. Out of 56 prosecution witnesses, only 01 witness has been examined thus trial is likely to take time. It is submitted that the case is triable by Magistrate and is based on documentary evidence and thus, further incarceration of the petitioner would not serve any purpose. It is argued that the dispute in the present case has civil trappings and the complainant has implicated 08 persons, including the present petitioner in the present matter. It is also submitted that two

of the co-accused i.e. Arvind Kumar Gautam @ Chaman and Mahesh Kumar Kirorilal have been granted the concession of regular bail vide orders dated 16.04.2022 and 26.05.2022 passed by the trial Court (Annexure P-2 and P-3 respectively).

Learned State counsel on the other hand has opposed the petition for regular bail and has submitted that the petitioner is involved in 23 other cases and has further submitted that as many as 44 persons have invested money in the Company namely, Credence Buildtech India Limited where, the present petitioner is one of the Directors, on the promise that the said money would be doubled in 05 years but the petitioner and other Directors have duped the said persons of the said money.

Learned counsel for the petitioner in rebuttal has submitted that Credence Buildtech India Limited is a private limited company and all the alleged money has been deposited in the account of the said Company and the Company has not been made an accused and thus, the present petitioner cannot be held vicariously liable without the Company having been arrayed as an accused. He has submitted that it is open to the complainants to institute civil proceedings against the said Company for recovery of money, if any is duped.

Learned counsel for the petitioner has referred to averment made in paragraph 18 of present petition to show that out of 23 cases, 14 cases have been quashed by the Rajasthan High Court and in 06 cases, cancellation reports have been submitted and the petitioner is on bail in 03 cases and has relied upon the judgment of Hon'ble Supreme Court in ***“Maulana Mohd. Amir Rashadi vs. State of U.P. and another”***, reported as ***2012 (2) SCC 382*** to contend that the facts and circumstances of the present case are to be seen and the bail application of the

petitioner cannot be rejected solely on the ground that the petitioner is involved in another case. The relevant portion of the said judgment is reproduced hereinbelow:-

*“As observed by the High Court, merely on the basis of criminal antecedents, the claim of the second respondent cannot be rejected. In other words, it is the duty of the Court to find out the role of the accused in the case in which he has been charged and other circumstances such as possibility of fleeing away from the jurisdiction of the Court etc.”*

This Court has heard learned counsel for the parties and perused the material on record.

The petitioner is in custody since 25.10.2021 and the investigation in the case is complete and the challan has been presented and only 01 witness out of 56 witnesses has been examined thus, the trial is likely to take time and the case is triable by Magistrate and the entire case is based on documentary evidence and the fact that the petitioner is stated to be one of the Directors of the Company namely Credence Buildtech India Limited in which the complainant and other persons had deposited their money whereas the company has not been arrayed as an accused. In view of the facts noticed above keeping the petitioner in further incarceration would not serve any purpose.

Accordingly, the petition is allowed and the petitioner is directed to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate, 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 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 an 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 24, 2022  
S.Sharma(syr)

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|---------------------------|---|--------|
| Whether speaking/reasoned | : | Yes/No |
| Whether reportable        | : | Yes/No |