

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

**CRM-M-39491-2022
Date of decision : 06.09.2022**

Tanmoy Dey **..... Petitioner**

versus

State of Haryana **..... Respondent**

CORAM : HON'BLE MR.JUSTICE PANKAJ JAIN

Present :- Mr. Manish Soni, Advocate
for the petitioner.

Mr. Sumit Jain, Addl. A.G., Haryana.

PANKAJ JAIN, J. (ORAL)

Present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case bearing FIR No.360 dated 24.08.2021, registered for the offences punishable under Sections 406, 420, 120-B (Sections 419, 465, 468 and 471 IPC added later on) at Police Station Sector-50, Gurugram.

2. Custody certificate produced. The same is taken on record. As per the same, the petitioner has undergone actual custody period of 03 months.

3. As per the allegations levelled in the FIR, it was alleged that:-

“The complainant on seeking the advertisement on Facebook called at the given number. Divya Chaturvedi gave the details of GVM Company that the company is in the business of sending persons to Gulf Countries for employment. As per the complainant he was told that after interview he would have to deposit the documents and passport and undergo medical test and for which he would have to

deposit Rs.30,000/- as a fees in the company. It has been alleged that believing them the complainant reached at the given address at Sector 49, Gurugram. The director of the Company Mithlesh Kumar Pandey, HR Manager Divya Chaturvedi and other employees including the petitioner-Tanmoy were present. As per the complainant the Mithlesh Pandey and Divya after taking his interview received his documents. Thereafter he was sent for medical examination alongwith employee Manish Kumar. He paid Rs.5,200/- as medical fees.

It has been alleged by the complainant that he was called at Gurugram on 27.01.2021. He again paid Rs.10,000/- from Google Pay on mobile No.9555035135 which is in the name of Manish. He also paid Rs.10,000/- for booking of ticket at Company's Patna Office to one Kavinder who told that his flight would be booked for 09.07.2021. When he reached company office on 09.07.2021 he found that office was locked. Many persons were gathered there and it was revealed that GVM Manpower Gurugram had fraudulently taken Rs.25,000/- each from many persons on the pretext of getting them job. On these allegations present case has been registered.”

4. Counsel for the petitioner submits that whole set of allegations is attributed to a company GVM Manpower. Petitioner was merely an employee and was not employed therein in a managerial capacity. He further submits that the investigation already stands concluded and the challan has been presented.

5. As per the contents of the FIR, whole of the case is based upon documentary evidence and thus prolonging the custody of the petitioner will not be of any purpose.

6. Mr. Jain appearing for the State vehemently opposed the bail and argued that in fact there are monitory transactions which can be well traced to the bank account in the name of the petitioner. However, he is not in a position to dispute the fact that whole of the case is based on documentary evidence. The investigation already stands concluded and the challan stands presented. He also does not dispute the fact that the co-accused namely, Neetu Jha stands admitted to regular bail vide order dated 18.07.2022 (Annexure P-9) passed by the trial Court.

7. Challan already stands presented. Keeping in view the custody of the petitioner and the fact that the co-accused has been admitted to regular bail by the trial Court, the present petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the Ld. Trial Court/Duty Magistrate, concerned.

8. Needless to say nothing recorded herein shall be construed to be an expression of an opinion on the merits of the case.

(PANKAJ JAIN)
JUDGE

06.09.2022

Dinesh

Whether speaking/reasoned

Yes

Whether Reportable :

No