

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

CRM-M-44578-2021 (O&M)
Date of Decision:- 6.4.2022

Vinod ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Deepak Girotra, Advocate for the petitioner.

Mr. Rajiv Sidhu, DAG, Haryana.

GURVINDER SINGH GILL, J.

1. The petitioner seeks grant of regular bail in a case registered vide FIR No.159 dated 9.5.2020 under Sections 406, 420, 467, 468, 471, 506/120-B IPC at Police Station Sector 9-A, District Gurugram.
2. The FIR was lodged at the instance of Aditya Chaudhary, owner-cum-proprietor of M/s A.V. Logistics Solutions, Gurugram wherein it is alleged one Sandeep Vats had come for a job to the complainant company who was recruited as a Marketing Manager on the salary of ₹ 25,000/- per month from March 2018 onwards. Even a bike bearing registration no. HR-26DK- 877 was also provided to Sandeep Vats for official purpose. Sandeep Vats, was used to receive the work orders on behalf of the complainant company. It was further alleged that a transport work order was allegedly received by the Sandeep Vats from Amtek India Ltd., Dharuhera, Distt. Rewari and one another company namely Nihon Parkerizing India Pvt. Ltd., Majara Katha

Japanese Zone, Neemrana (Rajasthan). It was shown by the Sandeep Vats that the goods were to be transported from the said two companies by the complainant company to Dewas, Peetampur, Bangalore, Ahmadabad and Haridawar. Even an amount of ₹4,44,12,500/- was released by the complainant company for such work orders. However, it was further revealed that the alleged two companies i.e. Amtek India Ltd., Nihon Parkerzing India Pvt. Ltd., were owned by the Sandeep Vats himself alongwith his family members and both these two companies were fake. Due to such fake work orders, a loss of an amount of ₹ 2,65,58,600/- was caused to the complainant company. This person namely Sandeep Vats also introduced one Vinod (petitioner) a proprietor of M/s. V. S. Trans Limited to make available the vehicles for the transportation. Even an amount of ₹2.20 crores was also transferred in the account of M/s. V. S. Trans Limited, owned by Vinod (petitioner) by the complainant company despite of the fact that such vehicles were never provided to the complainant company.

3. The learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in the present case and that a perusal of the FIR itself would show that it is co-accused Sandeep Vats, who is the main accused who had allegedly committed a fraud of ₹ 2,65,58,600/- with the firm of the complainant and that the only allegation against the petitioner is that Sandeep Vats had introduced the petitioner to the complainant, being the transporter. The learned counsel has further submitted that infact it is a case where the complainant himself was apparently into circulating unaccounted wealth so as to show the same to be money gained by legal means. The learned counsel has submitted that although the complainant claims to have

paid huge amount of ₹ 4,44,12,500/- out of which it is alleged that the petitioner had embezzled an amount of ₹ 2,65,58,600/- whereas the firm of the complainant was registered barely on 3.11.2017 i.e. just a few days before he submitted a complaint to the police. The learned counsel has further submitted that since the main accused Sandeep Vats has already been granted bail by this Court vide order dated 30.9.2021 (Annexure P-4), the petitioner, who is attributed a less serious role, deserves the concession of bail on grounds of parity.

4. Opposing the petition, the learned State counsel has submitted that since there is evidence to show that the petitioner was hand-in-gloves with the main accused Sandeep Vats and had been introduced by Sandeep Vats to the complainant as proprietor of M/s V.S. Trans Limited while representing that the petitioner will make available vehicles for fulfilling the contract of transportation entered into by the complainant with two companies and in fact an amount of ₹ 2.20 crores had also been transferred to the account of M/s V.S. Trans Limited, owned by the petitioner, his complicity is clearly evident. The learned State counsel has, however, informed that the petitioner as on date has been behind bars since the last 1½ years and that he is not involved in any other case.
5. I have considered rival submissions addressed before this Court.
6. Without commenting anything as regards the merits of the case and while noticing that the petitioner has been behind bars for a substantial period of more than 1 ½ years and is not stated to be a previous convict and also that co-accused Sandeep Vats has already been granted bail and that conclusion

of trial is likely to consume time, further detention of the petitioner will not serve any useful purpose.

7. The petition, as such, is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

6.4.2022

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(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned
Whether Reportable

Yes / No
Yes / No