

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

238

CRM-M-41254 of 2022

Date of Decision:30.11.2022

Ajeet Kumar @ Adesh Bhati

....Petitioner

Versus

State of Haryana

.....Respondent

**CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI**

Present: Dr. Deipa Singh, Advocate, for the petitioner.

Mr. S. K. Dagar, DAG, Haryana

Mr. Nihul Pratap Singh, Advocate,  
for the complainant.

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**JASGURPREET SINGH PURI, J. (Oral)**

The present petition has been filed under Section 439 of the Code of Criminal Procedure for the grant of regular bail to the petitioner in FIR No.432 dated 18.11.2020, under Sections 120-B, 406 and 420 IPC, registered at Police Station Faridabad Central, District Faridabad.

It has been submitted by learned counsel for the petitioner that the petitioner is in custody from 12.10.2021, which is more than one year and two months. She has further submitted that challan has been presented in this case on 05.12.2021 but till date even charges have not been framed by the learned trial Court. She has further submitted that this is case which is triable by a Magistrate and trial of case may take long time. She has further submitted that as per allegations, no role has been attributed to the petitioner. To substantiate her

argument, she has referred to the FIR wherein although, the name of the petitioner was mentioned to be shown as office bearer of the Company, who had taken money from different people for the purpose of enhancing the money. So far as the present petitioner is concerned, he was not holding any position in the Company. She also referred to Annexure P-2, list of the Directors of the Company wherein the petitioner is not named anywhere in the list. She has further submitted that although the petitioner has acquaintance with some of the Directors of the Company, but he was not instrumental in the collection of money but has been named in the FIR and as a result he has faced incarceration for more than one year and two months. She further submitted that since the petitioner was not responsible in the affairs of the Company, no liability can be casted on him. It is further submitted that likewise some other cases were registered against the petitioner in the State of Uttar Pradesh, which are 11 in number. In fact, the petitioner is already on bail in all the 11 cases and submitted that even the State has filed affidavit in the present case wherein in para 7, it has been stated that the petitioner is on bail in all the 11 cases. She has further submitted that considering the facts and circumstances of the present case, the prayer of the petitioner may be considered for the grant of regular bail.

On the other hand, Mr. S. K. Dagar, learned DAG, Haryana has submitted that it is correct that the petitioner is in custody from 12.10.2021 and the charges in the present case have not been framed till date and the present case is triable by the Magistrate. He also submitted that 11 cases have been registered against the petitioner in the State of Uttar Pradesh in which the petitioner is already on bail. He has, however, opposed the grant of bail to the petitioner on the

ground that large amount of money was involved in the present case.

Mr. Nihul Pratap Singh, Advocate appearing on behalf of the complainant has submitted that apart from 11 cases registered against the petitioner in the State of Uttar Pradesh in which the petitioner is on bail, the petitioner is also an accused in some other FIRs registered in the State of Rajasthan. There is one more case in the State of Uttar Pradesh in addition to the 11 cases as mentioned in affidavit filed by the State. He has further submitted that so far as the present complainant is concerned, he had given approximately an amount of Rs.62,000/- but the same was not returned by the Company.

I have heard the learned counsel for the parties.

The petitioner is stated to be in custody from 12.10.2021 and the challan has already been presented in the present case and till date charges have not been framed. The present case is triable by the Magistrate and the investigation in the present case has been completed. As per the affidavit filed by the State, the petitioner is involved in 11 cases in the State of Uttar Pradesh in which he has been granted bail. Learned counsel for the petitioner has also referred to Annexure P-2 to show that the petitioner was not managing the affairs of the Company nor having any official position in the Company. During the course of arguments, a specific query was raised to the learned counsel for the State as to what role was attributed to the petitioner and as to whether he was holding any position in the Company, he submitted while referring to the affidavit that the no specific role has been so stated but the petitioner was definitely associated with the Company.

In view of the aforesaid facts and circumstances, this Court is of the view that the investigation of the case has already been completed and the present

is a case triable by the Magistrate and the mere pendency of the other cases against the petitioner will not operate as a bar for the grant of bail to the petitioner. Furthermore, it is not the case of the State that in case the petitioner is released on bail then he may abscond or flee from justice or may influence any witness or may tamper with the evidence.

Therefore this Court is of the considered view that the petitioner deserves the concession of regular bail. Consequently, the present petition is allowed. The petitioner shall be released on regular bail subject to furnishing bail bonds/surety to the satisfaction of the learned trial Court/Duty Magistrate concerned.

However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is only meant for the purpose of decision of present petition.

**(JASGURPREET SINGH PURI)**  
**JUDGE**

**November 30, 2022**

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