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

**215**

**CRM-M-47150-2021 (O&M)**
**Date of decision: 08.03.2022**

MUKESH TANWAR

...Petitioner

Versus

STATE OF HARYANA

.....Respondent

**CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL**

Present:- Mr. Kartik Sandal, Advocate
for the petitioner.

Mr. Ashok Singh Chaudhary, Addl. A. G. Haryana.

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**HARNARESH SINGH GILL, J. (ORAL)**

Case is taken up for hearing through video conferencing.

**CRM-8537-2022**

Application is allowed, as prayed for.

Additional documents are taken on record, subject to all just exceptions.

Registry is directed to tag the same at an appropriate place.

**CRM-M-47150-2021**

Through this 2nd petition, the petitioner seeks regular bail in case bearing FIR No.358 dated 08.09.2018, registered under Sections 34, 120-B, 406, 420, 467, 468, 471 IPC and Sections 4, 5 and 6 of the Prize Chits and Money Circulation Schemes (Banning) Act, 1978, at Police Station Sadar Fatehabad, District Fatehabad.

Status report by way of an affidavit dated 18.02.2022 of the Deputy Superintendent of Police, Headquarter, Hisar, member of Special

Investigation Team, Hisar, filed on behalf of the respondent-State, in the Registry, is taken on record.

Learned counsel for the petitioner submits that the FIR was registered against the Director(s) of Company, namely, Future Maker Life Care Pvt. Ltd. (in short the Company); that the challan was initially presented before the learned trial Court on 13.12.2018 wherein 88 witnesses were cited; that after a lapse of almost 07 months, the co-accused had named the petitioner and that the petitioner has been in custody since 16.04.2019. He further submits that supplementary challans were presented on 10.05.2019 and 20.11.2019, wherein 199 and 247 prosecution witnesses, respectively, were cited and that the prosecution evidence is yet to commence. It is, thus, submitted that the petitioner cannot be put behind the bars for the lapses on the part of the prosecution in completing the investigation and filing one after the other report. In support of his contentions, he relies upon the judgment passed by Hon'ble Supreme Court of India in <u>Sharad T. Kabra</u> vs. <u>Union of India</u>, <u>(2018) 14 SCC 493</u>.

On the other hand, while opposing the prayer for grant of regular bail to the petitioner, learned State counsel submits that the petitioner had played a vital role in the occurrence; that as per the disclosure statement of main accused, namely Rahdey Sham and co-accused/Jai Singh, the petitioner was working in the company and that he, in the name of his wife, had received a sum of Rs.1 crore from the Company. He, however, does not dispute the custody period of the petitioner. He further submits that account statement of HDFC Bank of the petitioner speaks volumes about the money received by him from the Company and that there are around 50 more cases registered and/or pending against main accused, Radhey Sham and 01 more case against the petitioner.

I have heard the learned counsel for the parties.

The allegation against the petitioner are specific and serious in nature. The petitioner along with the other Directors of the Company had played a key role in usurping the money received from the public at large. Till date 21 accused persons, including the petitioner, have been arrested in the present case and 11 have been declared as proclaimed persons. The petitioner being a part of the chain in the huge fraud committed with the innocent people, cannot claim any leniency merely on the ground of long custodial period. The said plea if balance against the economic offence committed by the petitioner and co-accused, hardly leaves any scope for his released on the regular bail. Even otherwise, to unearth the truth and to avoid hampering of the prosecution evidence, I do not find it a fit case to grant regular bail to the petitioner.

In view of the above, no ground is made out to grant regular bail to the petitioner.

Dismissed.

**(HARNARESH SINGH GILL)**
**JUDGE**

**08.03.2022**
*Aman Jain*

*Whether reasoned/speaking?* *Yes/No*
*Whether reportable?* *Yes/No*