

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

**CRM-M No.2333 of 2021 (O&M)
Date of Decision: 03.11.2023**

Krishan Arora

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present:- Mr. Rajesh Gupta, Advocate for the petitioner.

Mr. Ashok S. Chaudhry, Addl. A.G., Haryana
for the respondent.

Mr. Sandeep Gahlawat, Advocate for the complainant.

MAHABIR SINGH SINDHU, J.

Present petition under Section 438 of the Code of Criminal Procedure has been filed for grant of pre-arrest bail to the petitioner in FIR No.431 dated 17.11.2020, under Sections 406, 420, 467, 468 & 471 of the Indian Penal Code, 1860, registered at Police Station Civil Lines, District Sonapat.

(2) Above FIR was registered on the basis of statement made by complainant-Robin Bareja with the allegations that on the asking of petitioner and other co-accused, he deposited some amount in the bank account of accused persons and also gave cash amount on several instances. They deceived the complainant to invest in some 0% Finance Scheme, cheated him and criminal misappropriated the amount given by him on the pretext of investment in gold jewellery business.

(3) The Coordinate Bench, vide order dated 04.03.2021, granted interim bail to petitioner and the same reads as under:-

“The petitioner is seeking anticipatory bail in FIR No.431 dated 17.11.2020, under Sections 406, 420, 467, 468, 471 IPC, registered at Police Station Civil Line Sonapat, district Sonapat.

Learned counsel for the petitioner contends that although the petitioner is named in the FIR but no role has been ascribed to him in the commission of offence. He further contends that the petitioner was a salaried Manager in the company of Saudaya Jewelers and no money was deposited in the account of the petitioner. It is alleged in the FIR that the Directors of the company had duped the complainant in investing money in the jewellery business. He, however, contends that the complainant is also in jewellery business and a civil dispute has been given the colour of criminal litigation. He also contends that one Dayanand, who was a Director of Saudaya Jewelers and Saudaya Nidhi Ltd., had committed suicide on 04.09.2020 and his daughter had filed an FIR on 07.10.2020 wherein the complainant and his wife were arraigned as accused. The instant FIR is also a counterblast. The petitioner is not involved in any other case.

Learned counsel for the complainant states that in view of serious allegations, the petitioner is not entitled to the concession of anticipatory bail.

List on 28.04.2021.

In the meantime, the petitioner is directed to appear before the investigating/arresting officer and join investigation. In the event of his arrest, the investigating/arresting officer shall release the petitioner on ad interim bail subject to his satisfaction. The petitioner shall also abide by the conditions as envisaged under Section 438 (2) Cr.P.C.”

(4) Learned State Counsel on instructions from ASI Navneet Singh submits that despite the interim protection, petitioner is not coming forward;

neither he has joined the investigation; nor he is cooperating despite repeated asking.

(5) On the other hand, learned Counsel for the petitioner submits that he is not able to contact his client since long; hence, pleads not instructions.

(6) In view of the above, there is no option except to dismiss the present petition.

(7) Ordered accordingly.

(8) Needless to say that since the interim protection has already been vacated on 02.11.2023 by this Court; therefore, the police would be at liberty to proceed in the matter in accordance with law.

(9) Pending application(s), if any, shall also stand disposed off.

November 3rd, 2023
Gagan

(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No