

CRM-M-3667-2023

2023:PHHC:076723
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212 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-3667-2023
DATE OF DECISION:-25.05.2023

Sanjeev Kumar Taneja

...Petitioner.

Vs.

State of Haryana

...Respondent..

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr.G.S. Bedi, Advocate,
for the petitioner.

Mr. Gaurav Bansal, DAG, Haryana.

Mr. Nikhil Ghai, Advocate,
for the complainant.

HARKESH MANUJA, J. (Oral)

1. By way of present petition filed under Section 438 Cr.P.C., prayer has been made for grant of anticipatory bail to the petitioner in FIR No. 718, dated 16.12.2022, under Sections 406, 420, 506, 120-B IPC (Sections 467, 468, 471 IPC added later on), registered at Police Station Ambala City, District Ambala.

2. As per allegations levelled against the petitioner, he having long standing business relationship with the complainant, introduced him to one Navratan Sharma to help him in obtainining loan from a foreign bank against payment of commission. In the FIR, it has been pointed out that the petitioner deposited around Rs.14 lakhs in the account of Navratan Sharma and even spent Rs.1.5 lac on the stay of Navratan as well as one Amol Nerkar in Zirakpur.

3. On 23.01.2023, while issuing notice of motion, this Court passed the following order:-

"Learned counsel for the petitioner inter alia submits that the FIR in question is in fact a counter-blast to one complaint initiated at the instance of the petitioner against the present complainant which was filed on 13.10.2022 i.e. about two months prior to the filing of the present complaint. Besides, one another complaint filed against the real uncle of the petitioner who also happens to be a complainant in one another FIR registered against the petitioner.

Notice of motion.

Mr. Sumit Jain, Addl. A.G. Haryana and Mr. Ghai appear and accept notice on behalf of the State and complainant respectively.

Adjourned to 02.02.2023. "

Thereafter, the arrest of the petitioner was stayed vide order dated 03.02.2023 and the matter was directed to be placed before the Mediation and Conciliation Centre of this Court as the parties showed their inclination towards amicable settlement, however, the same could not mature, despite all sincere efforts by the Mediator as well as the learned counsels representing the parties.

4. Today, the matter has been heard on merits.

5. Perusal of paper book shows that different suits/complaints/FIR have been filed on behalf of both the sides against each other, though, there has been long standing business relationship between them. From a perusal of FIR, it appears that the complainant allegedly spent about Rs.15 lakhs upon the petitioner and his associates, namely, Navratan Sharma and Amol Nerkar for obtaining loan from some financial institution, however, at this

stage, the only evidence in this regard against petitioner is the disclosure of one Prince Jaju recorded on 23.01.2023 which is yet to be tested during trial. In addition, a sum of Rs.8 lakh has already been deposited in the account of complainant by Navratan Sharma whereas apparently there is nothing even on record to suggest that the complainant ever deposited any amount in the account of the petitioner, still in order to show his bonafide, petitioner volunteers to deposit an amount of Rs.7 lakhs with the trial Court.

6. In view of the facts and circumstances narrated herein above, I am of the opinion that custodial interrogation of the petitioner is not required in this case, hence, the present petition is allowed. Petitioner-Sanjeev Taneja is directed to surrender before the investigating officer and join investigation within two weeks. In the event of his arrest being required, he shall be released on anticipatory bail on his furnishing bail/surety bonds to the satisfaction of the arresting officer, subject to the conditions envisaged under Section 438(2) Cr.P.C., besides, depositing a sum of Rs.7 lakhs within a period of 4 weeks from today before the concerned Illaqa Magistrate/trial court, which can be got released by the complainant against suitable surety, subject to outcome of the trial.

7. In case, the petitioner fails to deposit the aforementioned amount of Rs.7 lakhs as per the undertaking given by his counsel, the order in his favour shall stand revoked and the investigating officer/court shall be at liberty to take action in accordance with law.

25.05.2023

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(HARKESH MANUJA)
JUDGE

whether speaking/reasoned: Yes/No
whether reportable: Yes/No