

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-10526-2023 in/and
CRM-M- 8727-2023 (O&M)
Date of Decision: 10.03.2023

Ramesh Kumar

... Petitioner

V/s.

State of Haryana

... Respondent

CORAM: **HON'BLE MR. JUSTICE DEEPAK MANCHANDA**

Present : Mr. Vijay Kumar Jindal, Senior Advocate with
Mr. Vijay Veer Singh, Advocate
for the petitioner.

Mr. Karan Garg, AAG, Haryana.

Mr. Yashpal Thakur, Advocate
for the complainant.

DEEPAK MANCHANDA, J.(Oral)

CRM-10526-2023

The instant application has been filed for placing on record the
reply along with Annexures R-2/1 to R-2/34 by the complainant.

For the reasons mentioned therein, the application is allowed.

Document as Annexures R-2/1 to R-2/34 are taken on record
subject to all just exceptions.

CRM-M- 8727-2023

Petitioner has prayed for grant of regular bail under Section 439 Cr.P.C. in case FIR No. 199 dated 29.09.2021, under Sections 120-B, 420, 465(added later), 467, 468, 471, 182, 406, 416, 506 IPC registered at Police Station Sector 65, Gurugram.

Learned Senior counsel assisted by Mr. Vijay Veer Singh, Advocate for the petitioner contends that the petitioner is in custody since 29.09.2021. He submits that the petitioner has been falsely implicated in the present case as the present FIR has been registered after a gap of eight years. He further contends that the petitioner, who is the share-holder of only 250 shares in the Company had transferred the shares to one Tilak Raj Anand, who was later on inducted in the Company in the year 2004 and the petitioner is neither the signatory to any resolution/sale deed nor he is beneficiary. Learned Senior counsel further contends that as per the investigation report, the allegations against the present petitioner are with regard to the submission of false record before the ROC, Chandigarh qua false sale-deed where FIR No. 203/2018 has already been registered, however, the petitioner herein is not accused in the said FIR. Learned Senior counsel claims parity with the co-accused Prem Lata, who is the share-holder of 3750 shares in the Company and has already been allowed anticipatory bail by this Court vide order dated 17.02.2023 passed in CRM-M-8707-2023 and other co-accused namely Anurag Pahuja, who has also been granted regular bail by the Additional Sessions Judge, Gurugram vide order dated 04.11.2022 (P-10). He further submits that the challan stands

filed on 17.12.2022 and no specific role has been attributed to the petitioner and no other case is pending against him and the conclusion of trial will take sufficient time, therefore, the petitioner be enlarged on bail.

Vide previous order dated 27.02.2023, the State counsel had sought time to file reply. Even today a similar request has been made for filing reply. Even though learned counsel appearing on behalf of the complainant as well as for the respondent-State, on instructions from ASI Pawan Kumar oppose the grant of regular bail to the petitioner, while submitting that the offence alleged against the petitioner is serious in nature as he was the witness of the fraud being done in the Company, however, does not dispute the fact that the other co-accused namely Anurag Pahuja has been allowed regular bail by the trial Court and Prem Lata has been allowed anticipatory bail by this Court and the challan stands presented.

I have heard learned counsel for the parties.

Petitioner is in incarceration since 29.09.2021.

It is not a case made out by the respondent-State that in case concession of bail is granted to the petitioner, he would hamper the course of free and fair trial. Further, since the other co-accused namely Anurag Pahuja and Prem Lata have been allowed bail and the challan stands presented and there are no other antecedents and the trial would take sufficient time, so no useful purpose would be served in keeping the petitioner behind the bars.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction

of the trial Court concerned.

The petition is allowed.

(DEEPAK MANCHANDA)
JUDGE

10.03.2023
seema

<i>Whether speaking/reasoned</i>	<i>Yes</i>
<i>Whether Reportable</i>	<i>Yes /No</i>