

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

102-2

CRM-M-11017-2023 (O&M)
Date of decision: 23.08.2023

Ramji Mishra

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS SURI

Present: Mr. Vikram Chaudhary, Sr. Advocate with
Mr. Kunal Sharma, Advocate for the petitioner.

Mr. Sanish Girdhar, AAG, Punjab.

Mr. Pratham Sethi, Advocate for the complainant.

Mr. Rajeev Anand, Advocate for CBI.

VIKAS SURI, J.

[1]. The petitioner has filed the present petition under Section 439 Cr.P.C. for grant of regular bail in case FIR No.217 dated 29.09.2022, under Sections 419, 420, 467, 468, 120-B IPC and Section 66-C and 66-D of the Information Technology (Amendment) Act, 2008, registered at Police Station Moti Nagar, District Police Commissionerate, Ludhiana.

[2]. Learned senior counsel for the petitioner has argued that petitioner has been falsely implicated in the present case and he has nothing to do with the alleged misuse of E-scrips. The petitioner is 76 years old and he has not been named in the FIR. Learned counsel has referred to the status report filed by Commissioner of Police, Ludhiana to submit that the main allegations are against the son of the petitioner, namely Amresh Mishra and only accusation against him is of Section 506 IPC, which is a bailable offence in the State of Punjab.

[3]. Learned senior counsel further submits that the petitioner has been nominated in the above mentioned FIR only on the basis of his being signatory of the compromise deed executed between the petitioner, being the father of co-accused Amresh Mishra and the complainant party. Even as per the status report filed on behalf of the State, petitioner had approached the complainant to buy peace for his son Amresh Mishra and in that regard, a compromise/mutual agreement dated 10.11.2022, Annexure R-2 appended with the status report, was entered into between the parties. As per petitioner, the said agreement was got executed under threat and coercion as mentioned in the complaint dated 15.12.2022 (Annexure P-7). Learned senior counsel for the petitioner contends that now four E-scrips have been blocked and have been re-issued in the name of the complainant and the complainant has availed benefit of the same. Furthermore, complainant has effected compromise with co-accused Raunak Rakesh Gupta, who has approached this Court by way of CRM-M-31190-2023 for quashing of FIR on the basis of compromise. In the said proceedings, complainant has put in appearance through counsel and has admitted having compromised the matter with the said co-accused and of having received the amount in terms thereof. Nothing is to be recovered from the petitioner. Investigation in the case is complete and the *challan* stands presented. Petitioner is behind bars since 10.11.2021.

[4]. On the other hand, learned State counsel as well as learned counsel for the complainant oppose the bail petition. However, learned State counsel on instructions from Inspector Navdev Singh, Police Station Moti Nagar, admits the factum that except for the compromise deed referred to above, there is no other material connecting the petitioner with the crime.

[5]. I have heard learned counsel for the parties and perused the record.

[6]. Admittedly, initially the petitioner was not nominated in the

aforementioned FIR and main allegations of misusing seven E-scrips are against co-accused Amresh Mishra, son of the petitioner and Miyak Goyal, Kajal etc., who in active connivance with each other had created login ID on the Indian Customs Electronic Gateway, for claiming E-scrip for availing Export Incentive Schemes, and thereafter, transferred those seven E-scrips to the firm registered in their name viz. SM Enterprises, thereby committing fraud with the complainant's company registered in the name and style of WTL Garments Private Limited. Except the compromise, there is no other material on record to substantiate the involvement of the petitioner in the above said offence.

[7]. Moreover, petitioner is stated to be aged about 76 years and is behind bars since 10.11.2021. Since his arrest, he is in judicial custody and no useful purpose would be served to further detain him in custody for an indefinite period. Therefore, in light of aforesaid reasons, taking into consideration the totality of facts and circumstances emanating from the record as discussed here-in-above and without commenting anything on merits, the present petition is allowed. The petitioner is ordered to be released on bail on his furnishing bail-bond and surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

[8]. It is, however, made clear that the petitioner shall not influence the trial in any manner, directly or indirectly.

[9]. The observations made herein-above shall not be construed as an expression of opinion on the merits of the case.

[10]. Pending CM(s), if any, stand disposed of.

August 23, 2023
sumit.k

(VIKAS SURI)
JUDGE

Whether speaking/reasoned : Yes / No

Whether Reportable : Yes / No