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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-13655-2022
Date of decision: 21.08.2023

SUNIL BHATT AND ORS.

...Petitioners

VERSUS

STATE OF HARYANA AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Mr. Balkar Singh, Advocate
for the petitioners.

Mr. Naveen Kumar Sheoran, DAG, Haryana.

Mr. Dinesh Ghai, Advocate
for respondents No.2 to 11.

JASGURPREET SINGH PURI, J. (Oral)

1. The present petition has been filed under Section 438 of the Code of Criminal Procedure for the grant of anticipatory bail to the petitioners in FIR No.781 dated 31.12.2019, under Sections 406 and 420 of the IPC (Section 120-B of the IPC added later on), registered at Police Station City Yamuna Nagar, District Yamuna Nagar, Haryana.

2. Learned counsel for the petitioners has submitted that there are three petitioners in the present case and all of them were working as Deputy Directors in the Company with the name of M/s Credence Buildtech India Limited and they were only salaried persons and had got nothing to do with either the ownership or management in the Company. He further submitted that

as per allegations, the complainant and some other aggrieved persons had deposited some money in the said Company for the purpose of doubling of the money. He further submitted that the present FIR was lodged in the year 2019, whereas all the three petitioners have rather quit the job and retired in the year 2017-2018. He further submitted that all the petitioners in pursuance to the order passed by this Court on 01.04.2022, have already joined the investigation and they have fully cooperated with the investigation process and, therefore, they may be considered for grant of anticipatory bail and the aforesaid order may be made absolute. He further submitted that during the course of the present proceedings, some of the persons who stated themselves to be aggrieved persons had filed an application before this Court for being impleaded as party. The said persons were impleaded as party in the present case as respondents No.2 to 11. He further submitted that the main accused in the present case were two persons, namely, Jitender Kamboj, who has been named in the FIR and one another person, namely, Sanjeev Bishnoi, who was the Director of the Company, but so far as the present petitioners are concerned, they were only Deputy Directors and were only salaried persons being employees. He further submitted that no amount has been transferred in the name of the present three petitioners nor they were beneficiaries of any kind of money received from the investors. He further submitted that be that as it may, the petitioners have already joined the investigation and, therefore, they may be considered for the grant of anticipatory bail.

3. On the other hand, Mr. Naveen Kumar Sheoran, DAG, Haryana, on instructions from SI Anil Kumar, has submitted that it is correct that in

pursuance to the order passed by this Court on 01.04.2022, all the three petitioners have joined the investigation. He further submitted that as per the affidavit filed by the State, the petitioners were Deputy Directors of the Company and they had retired in the year 2017-2018, but the date of retirement has not been disclosed by the petitioners. He further submitted that the petitioners are not entitled for the grant of anticipatory bail in view of the fact that the money is yet to be recovered since it was a case where large number of persons had invested money in the Company and a fraud was committed by the Company itself, in which the petitioners were working as Deputy Directors.

4. Learned counsel for respondents No.2 to 11 has also opposed the grant of anticipatory bail to the petitioners on the ground mentioned by the learned State counsel.

5. I have heard the learned counsels for the parties.

6. As per learned counsel for the petitioners as well as the learned State counsel, all the three petitioners have already joined the investigation. The only objection which has been raised by the learned State counsel as well as learned counsel for respondents No.2 to 11 is that money has yet not been recovered since large amount of money is involved in the present case. However, a perusal of the affidavit which has been filed by the State would show that the petitioners were working as Deputy Directors in the aforesaid Company and they had retired in the year 2017-2018, although no date has been mentioned in this regard. There is nothing on the record to show that any money was transferred in the name of the petitioners, but the money was received in the name of the Company, of which aforesaid Sanjeev Bishnoi was the Director.

The State is relying upon the disclosure statement of the co-accused but mere disclosure statement of a co-accused itself would not be a good ground for denial of bail in the absence of any other substantive evidence against the petitioners. Even otherwise also, the matter pertains to dispute of money and the petitioners were granted interim bail by this Court on 01.04.2022, which is more than one year and four months ago and the petitioners have already joined the investigation. It is yet to be seen at the time of trial as to whether the petitioners were in-charge and managing the affairs of the Company or not since as per the learned counsel for the parties, the petitioners were working as Deputy Directors and as per the learned counsel for the petitioners, they were only salaried persons, who had quit the job in the year 2017-2018. Therefore, this Court is of the view that mere non-recovery of money from the present three petitioners would not become a ground for denial of bail to the petitioners.

7. Consequently, the present petition is allowed and the order dated 01.04.2022, is hereby made absolute.

21.08.2023
Chetan Thakur

(JASGURPREET SINGH PURI)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No