

Neutral Citation No.2023:PHHC:110083
IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-23952 of 2023
Reserved on 17.08.2023
Date of Decision: 22.08.2023

Anil Kumar Parnami

.....Petitioner

Vs.

State of Haryana

.....Respondent

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Girdhari Arora, Advocate
for the petitioner.

Mr. Parveen Kumar Aggarwal,
DAG, Haryana.

DEEPAK GUPTA, J.

Prayer in this petition filed under Section 439 Cr.P.C. is for grant of regular bail in case FIR No.0128 dated 14.03.2018 registered under Sections 477-A, 468, 424, 420, 409, 405, 34 and 120A of IPC, 1860 and under Section 3 of Haryana Protection of Interest of Depositors (in Financial Establishment) Act, 2013 at Police Station New Colony, District Gurugram, Haryana.

2. FIR was lodged on the complaint of one Dinesh Jain, as per which, in 2013, Tribhuvan Kumar Parnami induced his brother-in-law Surender Kumar Jain to invest money with them with the assurance of good return of interest @ 12 to 18% and that amount of ₹29 lacs was invested. Accused paid interest for some time but thereafter stopped making any payment. On demand, accused not only refused to pay, rather threatened the investors.

3. It was found during investigation that not only the complainant but various other investors were duped with the total amount of more than ₹

12 crores. It was further found during investigation that amount had been deposited in the name of various Companies i.e. M.R. Agro Tech Pvt. Ltd., GL Parnami Marketing Company, Signature Finance Pvt. Ltd, etc., in which petitioner was also one of the Director.

4. It is contended by learned counsel that petitioner is in custody since 15.02.2021; that after investigation, challan has already been filed and trial is likely to take long time. It is further submitted that main accused Tribhuvan Parnami has already been allowed bail by this High Court vide order dated 12.05.2022. Similarly, all other co-accused, namely, Raman Parnami, Akshya Parnami and Shashi Parnami are already on bail. None of the complainants have alleged to give any money to the petitioner, nor the petitioner is a beneficiary to the crime proceeds. Learned counsel further contends that most of the complainants have admitted that interest has been paid to them for some time and that it is due to changed market scenario that finances were struck and thus, it is a case of business failure, due to which accused were unable to honor their business commitments and that there was no malafide intention.

5. Learned counsel for the petitioner has also referred to **Satender Kumar Antil Vs. Central Bureau of Investigation and others**, (petition for Special Leave to Appeal Crl. No.5191/2021) decided by Hon'ble Supreme Court on 07.10.2021 to contend that offences in question being punishable with imprisonment up to seven years, so he is entitled for bail. Further reliance is placed upon **Sanjay Chandra Vs. CBI, 2011(&5) ACC 934**, in which after noticing that accused were charged with economic offences of huge magnitude but at the same time the fact that investigation was already complete and presence of the accused was not necessary for further investigation, bail was allowed by

Hon'ble Supreme Court.

6. Opposing the bail petition, it is contended by learned State Counsel that petitioner along with co-accused duped various investors of the huge amount of more than ₹12 crores, which was deposited in the name of different companies, in which petitioner is one of the Director. It is further submitted that the petitioner is involved in two more cases of similar nature arising out of FIR No.144 dated 11.04.2018 registered at Police Station Civil Lines, Gurugram under Sections 405, 409, 420, 424, 477-A, 506, 120-B, 34 IPC and Section 3 of the Haryana Protection of Interest of Depositors in Financial Establishments Act, 2013 and FIR No.129 dated 14.03.2018 under the same provisions of law, registered at Police Station New Colony, Gurugram. It is further contended by learned State Counsel that in case petitioner is allowed bail, he may tamper with the evidence, influence the witnesses and abscond from justice. Prayer is made for dismissal of the petition.

7. I have considered the submissions of both the sides and appraised the record carefully.

8. Co-accused Tribhuvan Parnami, specifically named in the FIR and whose case is admittedly on parity with the petitioner, has already been allowed bail by co-ordinate Bench of this Court vide order dated 12.05.2022 in CRM-M-8903 of 2022 (O&M), after noticing that he was in custody for 02 years, 11 months and 25 days.

9. Petitioner in this case is in custody since 15.02.2021, i.e. for the last more than 02 years and 06 months. As per the status report filed by the respondent- State, out of 66 witnesses cited by the prosecution, only five have been examined so far and thus, it is apparent that trial is likely to be conclude in

long time.

10. Learned counsel for the petitioner has also placed on record copy of the orders dated 25.05.2023 passed by this Court in CRM-M-19439 of 2023, whereby petitioner was allowed bail in case FIR No.144 of 2018 registered at Police Station Civil Lines, Gurugram. Similarly, he has already been allowed bail vide order dated 17.05.2023 in CRM-M-24233 of 2023 in case FIR No.129 of 2018 registered at Police Station New Colony, District Gurugram. In Satender Kumar Antil's case (supra), Hon'ble Supreme Court has issued certain guidelines for grant of bail to the accused for offences punishable upto seven years or less.

11. Having regard to all the afore-said facts and circumstances and also on the ground of parity, but without commenting anything further on the merits of the case, petitioner is admitted to bail on his furnishing bail bonds and surety bonds to the satisfaction of learned Chief Judicial Magistrate/ Duty Magistrate concerned.

Disposed of.

August 22, 2023
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(DEEPAK GUPTA)
JUDGE

Whether Speaking/reasoned Yes/No
Whether Reportable Yes/No