

**IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH**

CRM-M-23956-2023 (O&M)

Date of decision: 26.07.2023

Brajesh Kumar Kataria

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

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

Mr. Harsh Vardhan Shehrawat, AAG, Haryana.

ARVIND SINGH SANGWAN, J. (Oral)

This is the second petition that has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 0128 dated 14.03.2018, registered under Sections 120-A, 120-B, 34, 405, 409, 420, 424, 468, 477-A of the IPC and Section 3 of Haryana Protection of Interest of Depositors in Financial Establishment Act, 2013 at Police Station New Colony, District Gurugram.

The first petition, bearing CRM-M-50348-2021, was dismissed on 07.03.2022.

A perusal of the aforesaid order shows that though the first regular bail application of the petitioner was dismissed on merits observing that there was huge money bank transactions, qua which, the complainants are alleging fraud by the petitioner as he was also one of the Directors of the company concerned, however, the new ground for filing the present petition is that as on today, the petitioner is in judicial custody for the last about 02

years and 03 months and he has already been granted concession of regular bail in a similar FIR No. 129 dated 14.03.2018, registered at the same police station, vide order dated 17.05.2023, passed by this Court in CRM-M-23896-2023.

The brief facts of the case, as noticed in the order dated 07.03.2022, dismissing the first bail application of the petitioner, are reproduced below:

“Counsel for the petitioner submits that as per the allegations in the FIR, registered at the instance of Dinesh Jain, that the petitioner and other accused have committed the offence of cheating and forgery with his brother-in-law Surender Kumar Jain, who died because of mental pressure and cheating committed with him. It is stated that co-accused Tribhuvan Parnami and Raman Parnami induced Surender Kumar Jain to invest money and in lieu of that he will be given interest at the rate of 12-15% if the amount is paid through cheques and 18 % interest, in case the amount is given in cash. He was also represented that many other persons have also made investments. Surender Kumar Jain has invested Rs.29 lacs with the accused. Similarly, his wife Usha Jain, a Government teacher was also induced to invest her provident fund money. The accused persons are running the business of many companies, i.e. MR Agrotech Pvt. Limited, Parnami Credits Ltd., Signature Finance Pvt. Limited, Parnami Goods Carrier Pvt. Ltd., GLP Habitations Pvt. Limited, Suman Villas Pvt. Ltd., VS Developers Pvt. Ltd. For some time, the accused paid interest and later on, they stopped and started extending threats to Surender Kumar Jain, who died because of these reasons. Even the cheques issued in favour of Usha

Jain at the time of investment were dishonoured. It is further stated that the petitioner is a Director of Signature Finance Pvt. Limited and huge investment was made, the details of which are given in the FIR. It is also stated that many other persons have also made the investments.”

Learned counsel for the petitioner submits that the investigation is complete; *challan* stands presented, however, out of total 63 prosecution witnesses, only 10 witnesses have been examined so far and the conclusion of trial is likely to take a long time.

Learned counsel for the petitioner relies upon the judgments passed by the Hon'ble Supreme Court in ***Maulana Mohd. Amir Rashadi vs. State of U.P. and others, 2012(2) SCC 382, Ravindranatha Bajpe vs. Mangalore Special Economic Zone Ltd. And others, CRA-1047-1048-2021 dated 27.09.2021, Sunil Bharti Mittal vs. Central Bureau of Investigation, (2015) 4 SCC 609, Sanjay Chandra vs. CBI 2011 (4) RCR (Crl.) 898 and Satender Kumar Antil vs. CBI and others, (2023) 1 SCC (Cri.) 1*** to submit that in such circumstances, the petitioner may be granted concession of regular bail and mere pendency of three more cases is no ground to decline the bail.

Learned State counsel has filed the custody certificate and on the basis of the affidavit of the Investigating Officer, which is on record, it is submitted that during investigation it is found that certain post dated cheques were given by the accused persons to the complainants, however, the same were not honoured, qua which, the complainants have filed complaints under Section 138 of the N. I. Act, which are pending. The affidavit also contains the details of investigation, vide which, the amount deposited in the bank accounts of co-accused Akshay Parnami, Raman

Kumar and Shashi Parnami is given. It is also stated that the report under Section 173(8) Cr.P.C. was submitted on 16.07.2021 and the case is now fixed for prosecution evidence. It is also stated that one of accused, namely Aditya Parnami, has been declared proclaimed offender and some of the accused were joined investigation and no evidence was found against them.

In reply, learned counsel for the petitioner submits that the petitioner is only one of the Directors and he was receiving remuneration and there is no direct allegation that any amount was received by the petitioner in his account as it also so stated in paragraph Nos. 3 to 7 of the affidavit, naming the persons, in whose accounts, the amount was transferred other than the petitioner.

I have heard learned counsel for the parties.

Without commenting upon the merits of the case, considering the fact that the petitioner is in long judicial custody; he has been granted concession of regular bail in a similar FIR as noticed above and also in view of the ratio of law laid down by Hon'ble Supreme Court in aforesaid judgments, the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Illaq Magistrate, concerned.

The passport of the petitioner will remain deposited with the trial Court.

26.07.2023

Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No