

216

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(1)

CRM-M-37558-2021
Date of Decision:- 06.02.2023

NAVEEN GUPTA

..Petitioner.

VS

STATE OF HARYANA

..Respondent

(2)

CRM-M-41166-2021

LALIT KUMAR VERMA

....Petitioner

Vs.

STATE OF HARYANA

...Respondent

CORAM:-HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present:-

Mr. Vinod Ghai, Sr. Advocate with
Mr. Edward Augustine George, Advocate and
Ms. Kanika, Advocate
for the petitioner in CRM-M-37558-2021.

Mr. R.S. Rai, Sr. Advocate with
Mr. Karan Pathak, Advocate
for the petitioner in CRM-M-41166-2021.

Ms. Ambika Sood, Additional A.G, Haryana and
Ms. Deepshikha Chauhan, Asst. A.G. Haryana.

Mr. Harkirat Singh Ghuman, Advocate
for the complainant.

AMARJOT BHATTI, J. (Oral)

1. The petitioner- Naveen Gupta (in CRM-M- 37558-2021) has filed the instant petition under Section 439 of Cr.P.C. for grant of regular bail; the petitioner Lalit Kumar Verma (in CRM-M-41166-2021) has filed the instant petition under Section 438 of Cr.P.C. for grant of anticipatory bail in FIR No.376 dated 22.10.2020 under Section 323, 34, 354-C, 498-A and 506 IPC (Later added Section 406, 418, 467, 468, 471 and 180 IPC) registered at Police Station Sector- 53, District Gurugram. Both these petitions are arisen out of the same FIR and are taken up together for disposal.

2. The facts of the case are that Amanda Desiree Brown Gupta filed a written complaint alleging that she got married with Naveen Gupta on 14.12.2004 as per Hindu rites and on 18.12.2004 as per Christian ceremony at Dehradun. Her husband was over possessive, insecure and dominating person. He did not allow her to talk freely even to her family and friends. He used to abuse her physically and mentally right from the day of their marriage. She tolerated the behaviour of her husband. She gave birth to a son on 24.10.2007 who is under her care and custody. In the year 2001 she came to Delhi and joined services in Brilliant Entertainment Networks Private Limited where she had come across Naveen. They became good friends and ultimately got married. After marriage she was taking care of household work without any active support of her husband. On 09.09.2009 she along with her husband, Lalit Kumar Gupta and Rahul Arora started a partnership firm in the name of 'WE Media Works Private Limited' where Lalit Kumar was having 40% share and other three partners were having 20% share each and they were engaged in the business of Event Management. Later-on the said firm was incorporated as a private limited company namely WMW Events and Entertainment Private Limited. She was also a Director and

shareholder in the said company. In January, 2013 her son was admitted in Pathways School Aravali, Gurgaon. She was taking care of her son and also started working in the office for marketing etc. and her husband was taking care of finances. Her husband was having full control over her debit card, credit card and digital signatures for the purpose of running the company. She never doubted the intention of her husband. In 2018 she came to know that her husband had withdrawn Rs.46 lacs from her savings in their joint account where she had no authority to operate. Her husband cheated her by conducting transaction using her bank account and took the OTP by representing that he had to make the payment in the Bank. She returned back to Gurgaon on 07.02.2018 from the Goa trip but her husband went to Mumbai by early morning flight on 08.02.2018 and took away her debit card, credit card and her money. On 08.02.2018 when she enquired about the aforesaid facts she was beaten up and abused. She was turned out of the house. She has narrated the acts of cruelty during this period. On 14.02.2018 in a planned manner he again started behaving properly and suggested to consult a marriage counselor for which they had gone together. She was prescribed certain medicine and on 19.02.2018 she was sent to her sister's house. On 21.02.2018 her husband in collusion with Prince Anand forged a letter for her resignation without her consent and submitted her resignation to ROC without her knowledge. Her husband destroyed her career. Her entire money has been taken away by him. She remained under trauma and depression due to the atrocities committed by her husband. He started saying that she was suffering from bipolar disease. She contacted a Doctor who disclosed that she was all right. She has also narrated incident dated 24.04.2018 when she was physically abused. She has also narrated incident when her husband maintained physical relations against her wishes. He started threatening her. She was not permitted to meet her family. On

02.11.2018 she came to know that there was a mini spy device with a tiny camera in her house. Her husband was recording her entire private moments. He threatened to upload her nude pictures on social media. She recovered some videos from the device. The complainant apprehended that he used her email account by posting some nasty material on facebook and social networking sites. He has abandoned her and her child on 24.10.2018. He paid only his son's school fee. He has stopped making the payment of house rent from May, 2020. He has misappropriated all her properties. With these allegations the present FIR has been registered.

3. Learned senior counsel for Naveen Gupta – the petitioner argued that all the allegations detailed in the FIR, Annexure P-1, are false. There is long delay in lodging the FIR. She has alleged the incident of 21.02.2018 but during the period she had gone for a vacation to Florida, USA along with her husband. She herself gave her resignation which was acknowledged by her vide e-mail dated 03.01.2018 on 04.01.2018 with regards to her no objection. They continued to live together even after resignation dated 21.02.2018 till 25.10.2018. The petitioner has not misappropriated any amount from the bank account of the complainant. Their marriage has broken because of her own conduct. The petitioner Naveen Gupta has filed a divorce petition on the ground of adultery in which Mr.Shubham Sharma is a co-accused. Learned counsel for the petitioner referred to the statement of bank account, Annexure P-7 vide which Rs.25 lacs were credited to the account of complainant. The police did not recover any cameras from the premises. In-fact the same were handed over by the complainant to the police. It is further pointed out that regarding the resignation of complainant the matter is pending before National Law Company Tribunal. He has never treated his wife with cruelty. The allegations are false. The efforts to reconcile before Mediation and Conciliation has failed. The petitioner is ready to abide by the terms of bail

order. It is prayed that his regular bail application may be allowed.

4. Learned senior counsel representing Lalit Kumar Verma argued that the litigation has started due to the matrimonial dispute between the complainant and her husband Naveen Gupta. He has no role to play in the matrimonial life of the complainant. The allegations levelled against him are afterthought. He was not named initially by the complainant but later-on due to the dispute in the affairs of the company he was also dragged into the litigation by alleging that he committed forgery and tempered the record of the company by taking away the same from the premises of the company when he was in the process of vacating the premises. Learned counsel further argued that the complainant herself resigned from the company and her resignation was duly accepted. Later-on she has challenged the said resignation by filing a petition before National Company Law Tribunal, New Delhi Bench, New Delhi which is still pending. The copy of said petition is Annexure P-2. It is argued that the petitioner is ready to join the investigation and he will abide by the terms of bail order, therefore, his anticipatory bail application may be allowed.

5. Both the bail applications are opposed by learned counsel representing the State as well as the counsel representing the respondent No.2. It is argued that the petitioner - Naveen Gupta was granted the relief of interim bail only for the purpose of joining mediation and conciliation centre as per order dated 02.11.2021. Despite mediation, no fruitful result came out. There are serious allegations against the present petitioner Naveen Gupta for maltreatment in the matrimonial home, taking away her entire savings, outraging her modesty as well as forging the record by using her digital signatures and she was removed from the business of company by using her fake resignation letter. Therefore, considering the aforesaid facts, Naveen Gupta - the petitioner is not entitled to the concession of regular bail.

6. As regards the petitioner - Lalit Kumar Verma it is argued that he has connived with Naveen Gupta husband of the complainant for removing her from the business of WMW Events and Entertainment Private Limited. He is yet to join the investigation, therefore, he is not entitled to the concession of anticipatory bail.

7. I have considered the arguments advanced before me and have gone through the record carefully. As per the facts narrated by the complainant she got married with Naveen Gupta on 14.12.2004 as per the Hindu Rites and on 18.12.2004 according to Christian ceremony. Admittedly she along with her husband started working in “WE Media Works Private Limited” which was later-on converted into WMW Events and Entertainment Private Limited. It is further not disputed that she was one of the Director and shareholder in the said company. The dispute started in the year 2018 when Naveen Gupta withdrew Rs.46 lacs from her saving account in a joint account using her bank detail where she had no authority to operate. Thereafter, the complainant has mentioned the acts of physical and mental cruelty faced by her in the matrimonial home. She has also narrated the incident when she was turned out of the matrimonial home and thereafter she was again allowed to live in the matrimonial home along with her child. She was left with no money in her account. She also claimed that her digital signatures were misused by her husband in connivance with Lalit Kumar Gupta and her resignation was submitted and accepted. In this way she was turned out of the aforesaid business. The complainant has also levelled allegations of outraging her modesty and use of spy camera in her house. Various civil and criminal litigation started between the parties including divorce petition filed by Naveen Gupta against her wife. Therefore, considering the aforesaid allegations and sequence of events, in my opinion, the petitioner – Naveen Gupta is not entitled to the relief of regular bail and

the same is, accordingly, declined.

On the other hand, the petitioner - Lalit Kumar Verma has filed anticipatory bail in the aforesaid FIR. So far as he is concerned he has no role to play in the matrimonial life of the complainant. The allegations against him is that he in connivance with Naveen Gupta forged and tempered the record of the company and the same was taken away from the premises of the company. It is rightly pointed out by the learned counsel for Lalit Kumar Verma that the complainant has filed petition before National Company Law Tribunal, New Delhi Bench, New Delhi challenging the aforesaid resignation and claimed various interim reliefs as well as final reliefs. The matter concerning this will be adjudicated by the National Company Law Tribunal. The petitioner is ready to join the investigation. Therefore, considering the aforesaid acts, the anticipatory bail application filed by the petitioner - Lalit Kumar Verma is allowed. He be not arrested and in case of his arrest, he be released on bail to the satisfaction of Investigation Officer subject to the conditions enshrined under Section 438 (2) Cr.P.C.

The observations made here-in-above shall not bear any effect on the merits of the case.

Pending application, if any, shall also stands disposed of.

A photocopy of this order be placed in the another connected case.

06.02.2023

snd

(AMARJOT BHATTI)
JUDGE

Whether speaking/reasoned: Yes/No.

Whether reportable: Yes/No