

222 **IN THE HIGH COURT OF PUNJAB AND HARYANA**
AT CHANDIGARH

CRM-M-41857-2023

Date of Decision: 07.11.2023

Girish Kumar Gandhi

...Petitioner

vs.

State of Punjab

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Mr. Gorav Kathuria, Advocate
 for the petitioner.

Mr. M.S.Bajwa, Deputy Advocate General, Punjab.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the instant petition under Section 439 Cr.P.C. with a prayer to grant regular bail to him in case FIR No.297 dated 02.12.2020 registered under Sections 406, 420 of IPC (Section 120-B IPC added later on), at Police Station Kotwali, Patiala.

2. The FIR in the present case was registered on the basis of the statement made by Parvesh Kumar, who alleged that the petitioner alongwith others had cheated the complainant to the tune of Rs.25 lacs, which were invested by the complainant to the accused-company.

3. Learned counsel for the petitioner submits that the petitioner has been wrongly named by the complainant in the present case and had not cheated the complainant in any manner. Learned counsel further contends that the complainant had allegedly paid a sum of Rs.25 lacs through two cheques to the Company M/s DBM Retail Pvt. Ltd. and the petitioner had no concern with the

said amount deposited by the complainant. Learned counsel further contends that the petitioner was working as Incharge (Accounts) in the Company and was getting monthly salary of Rs.60,000/- and he was not involved in day-to-day affairs of the Company nor he had any administrative control over the Company. In fact, he was performing his duties on a clerical job, as assigned to him by the Promoters/Directors of the Company. Learned counsel further contends that the petitioner has been wrongly arrayed as an accused in similar FIRs, which were registered against the accused-Company at different places.

4. On the other hand, learned State counsel has vehemently opposed the prayer made by learned counsel for the petitioner on the ground that several FIRs have been registered against the present petitioner and he is not entitled for grant of bail by this Court.

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

6. The petitioner was arrested in the present case on 03.04.2023 and is in custody for the last about seven months. All the offences in the present case are triable by the Court of Magistrate and the trial proceedings may take quite a long time. Apart from that, as per learned counsel for the petitioner, 11 other cases have been registered against him, however, he is on bail in all other cases.

7. No doubt, 11 more cases were registered against the present petitioner, but he can never be confined in jail for an indefinite period as the Hon'ble Supreme Court in the matter of ***Prabhakar Tewari Vs. State of U.P., and another 2020(1) R.C.R. (Criminal) 831*** has held that the pendency of several criminal cases against the accused cannot be the basis to refuse the prayer of bail. Similar observations have been made by the Hon'ble Supreme

Court in the matter of *Maulana Mohd. Amir Rashadi Vs. State of U.P., and another 2012(1) R.C.R. (Criminal) 586*. Even otherwise, the registration of other criminal cases is no ground to reject the bail of the petitioner in the present case, as he has been able to make out a case for grant of bail in the peculiar facts and circumstances of the present case.

8. Without commenting on the merits of the case and in view of the judgments passed by the Hon'ble Supreme Court in the matter of *Prabhakar Tewari's case (supra)* and *Maulana Mohd. Amir Rashadi's case (Supra)*, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate, concerned.

07.11.2023
hemlata

(N.S.SHEKHAWAT)
JUDGE

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