

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-49924-2021 (O&M)

Date of decision : 23.1.2023

Sanjay Kumar @ Sanjay Tyagi and others

... Petitioners

VERSUS

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Devansh Khanna, Advocate, for
Mr. Vaibhav Narang, Advocate, for the petitioners.

Mr. Naveen Kumar Sheoran, DAG, Haryana.

KARAMJIT SINGH, J. (Oral)

Prayer is for grant of anticipatory bail to the petitioners in criminal case having FIR No.0733 dated 4.9.2021 registered under Sections 406, 420, 120-B IPC at Police Station Yamuna Nagar City, District Yamuna Nagar.

Counsel for the petitioners *inter alia* contends that the amount, if any, was collected by the employees of Sahara India Pariwar Limited including the petitioners who were employees of the said company and that the dispute between the said company and its investors is still pending in Hon'ble Supreme Court. He further submits that the alleged collected amount was further deposited with Sahara India Pariwar Limited by the concerned employees including the petitioners and further, the petitioners have joined the investigation with the police by virtue of the order of interim bail dated 30.11.2021 passed by this Court.

that the amount in question is still to be recovered from the petitioners. However, he has not disputed the fact that the alleged money was collected by the petitioners being employee of Sahara India Pariwar Limited and that the main dispute between the said company and its investor is pending in Hon'ble Supreme Court. He has also admitted that the petitioners joined the investigation with the police.

The present bail petition cannot be declined simply on the ground that the amount is yet to be recovered from the accused persons, the reason being this Court cannot act as a recovery agent on behalf of the prosecution or the complainant. Further, apparently, it appears that the petitioners were acting only on behalf of the employer i.e. Sahara India Pariwar Limited and the alleged collection of money was made by them but the main beneficiary was their employer namely Sahara India Pariwar Limited. Further, the petitioners have already joined the investigation with the police.

In light of above, this Court is of the view that no purpose is going to be served even if the petitioners are subjected to custodial interrogation at this point of time.

Consequently, without commenting on the merits of the case, the present petition is allowed and order of interim bail dated 30.11.2021 is hereby made absolute subject to the conditions as envisaged under Section 438(2) Cr.P.C.

(KARAMJIT SINGH)
JUDGE

January 23, 2023

Paritosh Kumar

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No