

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

215/10	CRM-M-46049 of 2022 (O&M)	
Harvinder Singh Gill	Date of Decision:24.07.2023	
		Petitioner
	Versus	
State of Punjab		
		Respondent
2)	CRM-M-52067 of 2022 (O&M)	
Vinod Kumar		
		Petitioner
	Versus	
State of Punjab		
		Respondent
3)	CRM-M-56302 of 2022 (O&M)	
Manoj Kumar		
		Petitioner
	Versus	
State of Punjab		
		Respondent
4)	CRM-M-3987 of 2023 (O&M)	
Samarjit Singh @ Samranjit Singh		
		Petitioner
	Versus	
State of Punjab		
		Respondent
5)	CRM-M-6201 of 2023 (O&M)	
Gaurav		
		Petitioner
	Versus	
State of Punjab		
		Respondent

6)
Shiveshwar Pandey

CRM-M-8030 of 2023 (O&M)

....Petitioner

Versus

State of Punjab

.....Respondent

7)
Salman Khan

CRM-M-21150 of 2023 (O&M)

....Petitioner

Versus

State of Punjab

.....Respondent

8)
Anuj Kumar

CRM-M-3157 of 2023 (O&M)

....Petitioner

Versus

State of Punjab

.....Respondent

9)
Rajiv Gupta

CRM-M-1513 of 2023 (O&M)

....Petitioner

Versus

State of Punjab

.....Respondent

10)
Siddharth Mehta @ Chandan Singh

CRM-M-14795 of 2023 (O&M)

....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON’BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. G.P.S. Ghuman, Advocate,

for the petitioner in CRM-M-46049 of 2022.

Mr. Amaninder Preet, Advocate,
for the petitioner (in CRM-M-52067 of 2022).

Mr. Karan Nehra, Advocate,
for the petitioner (in CRM-M-3987 of 2023).

Mr. G. S. Sandhu, Advocate,
for the petitioner (in CRM-M-56302 of 2022).

Mr. P. S. Sekhon, Advocate,
for the petitioner (in CRM-M-6201 of 2023).

Mr. Hitesh Verma, Advocate,
for the petitioner (s) (in CRM-M Nos.21150 and
14795 of 2023).

Mr. Munish Garg, Advocate,
for the petitioner (in CRM-M-8030 of 2023).

Mr. Rajesh Gupta, Advocate,
for the petitioner (in CRM-M-1513 of 2023).

Mr. P. S. Dhaliwal, Advocate,
for the petitioner (in CRM-M-3157 of 2023).

Mr. Sarabjit Singh Cheema, DAG, Punjab

Mr. Sunil Chadha, Sr. Advocate, with
Ms. Kashish Aggarwal, Advocate,
for respondent No.2.

JASGURPREET SINGH PURI, J. (Oral)

1. All the ten cases are taken up together for final disposal with the consent of learned counsels for the parties since the all are arising out of the same FIR and the prayer made in all the ten cases is for grant of regular bail and CRM-M-46049 of 2022 filed by the petitioner Harwinder Singh Gill who is stated to be the main accused in this case, is taken up as a lead case.
2. All these petitions have been filed under Section 439 of the Code of Criminal Procedure for the grant of regular bail to the petitioner(s) in FIR No.0259

dated 11.06.2022, under Sections 420, 408 and 120-B of the IPC (Sections 465, 467, 468, 471 IPC added later on), registered at Police Station City Barnala, District Barnala.

3. As per the allegations contained in the FIR, an FIR was lodged by Alok Dubey, Company Secretary of Trident Group Limited by alleging that the Harvinder Singh Gill (petitioner in CRM-M-46049 of 2022) was working as a Chief Financial Officer in the company and during his tenure, he misappropriated money to the tune of Rs.8.07 crores and on the basis of the aforesaid allegations, the present FIR was lodged. Learned counsel for the petitioner Harvinder Singh submitted that the petitioner is in custody for about one year and the investigation of the case has already completed and thereafter the *challan* has been presented in the competent Court on 21.10.2022 and till date even charges have not been framed. He submitted that the allegations against the petitioner were pertaining to embezzlement of Rs.8.07 crores but thereafter a special power of attorney was forcibly got executed from the petitioner in favour of one Rupinder Gupta and in pursuance of the power of attorney, two sale deeds were executed in favour of the complainant party, namely, Trident Group Limited and the two sale deeds are dated 10.06.2022 and 13.06.2022 and the total sale consideration mentioned in the sale deed is Rs.8.07 crores and he submitted that in fact it was in pursuance of the aforesaid power of attorney that the sale deed was executed to show the adjustment of amount. He submitted that on the same date when the alleged power of attorney was executed, the petitioner had approached the Tehsildar and had apprised him with regard to the aforesaid fact. Learned counsel submitted that be that as it may, once the property of which the petitioner Harvinder Singh was the owner, got

transferred in the name of complainant Trident Group Limited by whatsoever method, and the Trident Group Limited further sold the company in the name of A.B. Techmart Pvt. Ltd. and received the sale consideration from the aforesaid company and in this way otherwise also the complainant company has duly been compensated with regard to the alleged embezzlement made by the petitioner. He submitted that the petitioner has challenged the aforesaid sale deed by way of a separate civil suit which was however dismissed for non-prosecution because the Court fee was not paid but he still reserves his right to state that the transfer of property from the petitioner was in a forcible manner and the transfer of the property to a third party was also unlawfull. He submitted that in view of the facts and circumstances once the complainant company has received an amount rightly or wrongly and the petitioner has suffered incarceration for about one year and apart from the above, the present is a case which is triable by a Magistrate and the trial of the case may take long time, the petitioner Harvinder Singh may be considered for the grant of regular bail.

4. All the other learned counsels appearing on behalf of the remaining petitioners have submitted that all the remaining petitioners are at parity with each other in view of the fact that their names surfaced on the basis of the disclosure statements by alleging that they were helping the petitioner to siphon off the money and they have submitted that they have been falsely implicated in the present case on the basis of disclosure statements and they are in custody for about ten months and they are stated to be not involved in any other case except three petitioners, namely, Salman Khan, Siddharth Mehta @ Chandan Singh and Shiveshwar Pandey and these three petitioners are stated to be involved in one

more case while they were in custody in this case. They also submitted that the present is a case which is triable by a Magistrate and the investigation of the case has already been completed and the final report under Section 173 of the Code of Criminal Procedure has been presented to the competent Court and therefore they may be considered for the grant of regular bail.

5. On the other hand, Mr. Sarabjit Singh Cheema, learned DAG, Punjab has stated that so far as the period of custody of all the petitioners is concerned, the same is correct and it is also correct that the police has completed the investigation qua all the petitioners and *challan* has been presented qua the petitioners on 21.10.2022 but till date charges have not been framed qua the petitioners. He submitted that some of the other co-accused against whom allegations were also that they were in connivance with the petitioner Harvinder Singh for siphoning of the money are absconding and therefore the investigation qua them is still going on and at an appropriate stage supplementary *challan* under Section 173(8) of the Code of Criminal Procedure against them will be filed. So far as the antecedents of the petitioner Harvinder Singh is concerned, he submitted that the petitioner Harvinder Singh is not involved in any other case and so far as the other petitioners are concerned, they are also not involved in any other case except for those who have been so pointed out by learned counsels for the petitioners as aforesaid.

6. Mr. Sunil Chadha, learned senior counsel assisted by Ms. Kashish Aggarwal, Advocate appearing on behalf of respondent No.2 submitted that it is a case where large scale embezzlement was made by the petitioner Harvinder Singh with the help of other co-accused and there had been an embezzlement of Rs.8.07 crores and considering the aforesaid amount involved, the petitioners are not

entitled for the grant of regular bail. He further submitted that the petitioner Harvinder Singh himself had executed a special power of attorney after going to the office of the Tehsildar and thereafter he has taken a U-turn and he has now fabricated the story by saying that it was taken by force and coercion.

7. I have heard the learned counsel for the parties.

8. The present is a case in which the petitioner Harvinder Singh in CRM-M-46049 of 2022 is in custody for about one year and the remaining petitioners whose names surfaced later on, on the basis of disclosure statements are in custody for about ten months and the investigation of the present case has already been completed qua all the present petitioners as per learned State counsel, even *challan* in the present case has been presented on 21.10.2022 and till date no charges have been framed qua the present petitioners. The present is a case which is triable by Magistrate. As per learned counsel for the petitioner, namely Harvinder Singh, the property which was his ancestral property was transferred in the name of the complainant company and thereafter the complainant company has re-sold the property to another company, namely, AB Techmart Pvt. Ltd. and received the sale consideration regarding the same. A specific query was raised to learned counsel for the complainant with regard to the re-sale, to which he submitted that he has no instructions with regard to the same.

9. After hearing learned counsels for the parties, this Court is of the view that since it is a case which is triable by Magistrate and initially the allegations of embezzlement were against one person who is the petitioner Harvinder Singh in CRM-M-46049 of 2022. The amount which was involved in the embezzlement as per the allegations, became the subject matter of the registered sale deed and thereafter as per learned counsel for the petitioner, the property of the petitioner

was got transferred in the name of third party which was transferred by the complainant company. This Court does not wish to make any observation with regard to the merits of the aforesaid allegations but only for the purpose of considering the prayer of the petitioners for grant of bail, this Court is of the view that considering the custody of the petitioners and the fact that it is a case which is triable by Magistrate and qua the petitioners *challan* has been presented on 21.10.2022 but till date no charges have been framed, this Court deems it fit and proper to grant bail to all the petitioners. Consequently, all the petitions are allowed. The petitioners shall be released on regular bail subject to furnishing bail bonds/surety to the satisfaction of the learned trial Court/Duty Magistrate concerned.

10. However, anything observed hereinabove shall not be treated as an expresion of opinion on merits of the case and is only meant for the purpose of decision of these ten petitions.

(JASGURPREET SINGH PURI)
JUDGE

July 24, 2023
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Whether speaking	:	Yes/No
Whether reportable	:	Yes/No