

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-40260-2019(O&M)
Date of decision:- 30.11.2023

Arun Bhardwaj

... Petitioner

Versus

State of Punjab

.. Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr.Nikhil Ghai, Advocate and
Mr.Prabhdeep S.Bindra, Advocate
for the petitioner.

Mr.A.P.S. Tung, DAG, Punjab.

Mr.Anmol Jeevan Singh Gill, Advcoate
for the complainant.

SUVIR SEHGAL, J. (ORAL)

1. Instant petition has been filed under Section 439 Cr.P.C. seeking grant of post-arrest bail in:-

FIR No.	Dated	Police Station	Sections
0018	30.01.2018	Phase-I, SAS Nagar	420, 465, 467, 468, 471 IPC

2. Case of the prosecution is that FIR, Annexure P1, has been registered by Arvinder Singh against Mrs.Gurpreet Kaur, Harmohinder

Singh and Arun Bhardwaj, alleging that complainant was one of the Directors of M/s. SERA Cue Labs Private Limited, a registered company, which launched its business operation from Ludhiana in January, 2015, in the field of pathological tests. Vide Resolution dated 6.10.2015, complainant was removed and Sh. Harmohinder Singh (COO) was appointed in his place. The accused indulged in malpractices and misappropriated the franchise amount. Company meetings were held but complainant was never informed. He found that some documents bearing his signatures had been uploaded on the website of the Registrar of Companies and fraud has been committed with him.

3. Counsel for the petitioner submits that an examination of the allegations levelled in the FIR show that it was a result of a business dispute and has deliberately been given a criminal colour. He submits that the complainant owes money to the accused and a civil suit for recovery has been instituted by the petitioner, which is pending *inter se* the parties. Still further, he submits that the investigation in the FIR has been completed, challan has been presented and by order dated 24.10.2019, passed by this Court, petitioner has been released on interim bail. Counsel submits that one of the conditions imposed in the order was of surrendering the passport of the petitioner, which has been duly complied with. Still further, he submits that in the last more than 4 years, petitioner, who is a respected member of the society has never misused the concession. He submits that application for discharge of the petitioner as well as co-accused Dilpreet Singh are pending before the trial Court and charge has not been framed.

4. *Per contra*, State counsel upon instructions from ASI Sukhwinder

Singh submits that the petitioner has been specifically named in the FIR and there are allegations of cheating as well as forgery of documents against him. He has categoric instructions to state that recovery of defrauded money is to be effected from the petitioner.

5. Counsel for the complainant has supported the submissions made by the State counsel.

6. I have heard and considered the submissions made by counsel for the parties.

7. Offences allegedly committed by the petitioner are triable by a Magistrate and investigation qua him is complete. Petitioner is on interim bail for the last more than four years and there is no allegation that he has misused the liberty. Dispute primarily pertains to the affairs of a limited company and the complainant as well as the accused have been involved with its affairs.

8. Noticing the nature of allegations levelled against the petitioner, his age, the fact that challan has been presented against him and period of his detention, this Court is of the view that the interim bail granted to the petitioner deserves to be confirmed. Although it has been claimed that some recovery is to be effected from the petitioner but in view of the judgment of the Supreme Court in **Dilip Singh Versus State of Madhya Pradesh and another (2021) 2 SCC 779**, no pre-condition for deposit of alleged cheated amount can be imposed nor can a bail petition be converted into recovery proceedings.

9. In view of the above, the interim order dated 24.10.2019 is made absolute. However, the petitioner shall furnish fresh bail/surety bonds of a

heavy amount to the satisfaction of the Trial Court/Duty Magistrate, concerned.

10. It is clarified that nothing said hereinabove shall be construed to be an expression of opinion on the merits of the case.

(SUVIR SEHGAL)
JUDGE

30.11.2023

Brij

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No