

2023:PHHC:088637

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-28401-2023 in/and
CRM-M-51899-2021 (O & M)
Date of Decision:17.07.2023

VNS Infrastructure Pvt. Ltd.

... Petitioner

Versus

State of Haryana and ors.

...Respondents

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr.Chetan Mittal, Sr. Advocate, with
Mr. Tejeshwar Singh, Advocate and
Mr. Sehaj Sandhawalia, Advocate,
for the applicant/petitioner.

Mr. S.K. Panwar, Addl.A.G., Haryana.

Mr. Gautam Dutt, Advocate,
for respondent Nos.2 to 8.

JASJIT SINGH BEDI, J.

The prayer in the present petition under Section 482 Cr.P.C.
is for quashing and setting aside the order dated 26.11.2021
(Annexure P-10) passed by the Judicial Magistrate Ist Class, Gohana,
Distt. Sonapat in case No.CRM/192/2021 pertaining to FIR No.596/2017
dated 06.11.2017 under Sections 409, 465, 468, 34, 120-B, 420, 177 IPC
at Police Station Gohana City, Sonapat, whereby the Court has directed
defreezing of the accounts of the accused-respondents.

2. The brief facts of the case are that an FIR No.596 dated 06.11.2017 under Sections 120-B, 34, 409, 465, 468, 420 and 177 IPC Police Station Gohana City, Sonapat came to be registered at the instance of the petitioner-complainant against six accused persons, namely, Narender Kumar, Jai Singh, Virender Singh, Rohtash, Karam Singh, Karan Singh and other unknown persons and officials of Oriental Bank of Commerce, Gohana. The allegations in the said FIR are not being recounted as they are not germane to the present controversy.
3. Pursuant to the registration of the aforementioned FIR, 15 bank accounts of the accused were frozen on 20.11.2017.
4. Thereafter, on 07.10.2020, a cancellation report/untraced report was filed by the Superintendent of Police, Sonapat before the Court.
5. Pursuant to the filing of the aforementioned report, two applications for defreezing of 15 accounts were filed on 23.10.2020.
6. Meanwhile, on 21.12.2020, a protest petition was filed by the petitioner-complainant against the cancellation report/untraced report in FIR No.596 dated 06.11.2017.
7. Subsequently, vide order dated 26.11.2021 (Annexure P-10), the accounts were ordered to be defreezed subject to the condition that the accused would furnish security for at least half of the amount which was to be defreezed. The said order dated 26.11.2021 (Annexure P-10) is under challenge at the instance of the petitioner-complainant in the present petition.

8. The learned counsel for the petitioner contends that though a cancellation report has been filed, the petitioner is availing his alternative remedies against the said cancellation/untraced report including but not limited to the filing of a protest petition, and therefore, the impugned order (Annexure P-10) defreezing the 15 accounts cannot be sustained. In the alternative, he prays that the interest of the petitioner-complainant be protected and for the said purpose, the accused-respondents may furnish a bank guarantee with Auto Renewal Instructions pursuant to which their account could be defreezed.

9. The learned counsel for respondents No.2 to 8 on instructions from his clients states that respondents No.2 to 8 are ready and willing to furnish a bank guarantee in the sum of Rs.9.76 Crores in the name of Sub Divisional Judicial Magistrate, Gohana in lieu of the defreezing of the 15 bank accounts.

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

11. Keeping in view the respective contention of both the sides, the order dated 26.11.2021 (Annexure P-10) is modified to the extent that all the bank accounts shall be defreezed subject to the accused/respondents No.2 to 8 furnishing a bank guarantee with Auto Renewal Instructions in the sum of Rs.9.76 Crores in the name of Sub Divisional Judicial Magistrate, Gohana, immediately. The said bank guarantee shall not be released without an order of the Court.

12. The present petition is disposed of with the aforesaid modification.

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13. Since the main petition has been disposed of, no order needs to be passed in the pending application(s), if any.

(JASJIT SINGH BEDI)
JUDGE

July 17, 2023
sukhpreet

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No