

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-56897 of 2022

Date of Decision: April 17, 2023**Sachin Bhati****...Petitioner****Versus****State of Haryana****...Respondent****CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA****Present:-** Mr. Navraj Singh Mahal, Advocate for the petitioner.
Mr. Randhir Singh, Addl. AG, Haryana.**DEEPAK GUPTA, J.**

Prayer in this petition filed under Section 439 Cr.P.C. is to grant regular bail in case FIR No.432 dated 18.11.2020 registered under Sections 420, 406, 120B IPC at Police Station Central, Faridabad, Haryana.

2. FIR was lodged on the complaint of Raju Tyagi, an Advocate in Faridabad against a Company by the name of Garvit Innovative Promoters Ltd., and ten other known persons including petitioner Sachin Bhati and some unknown persons, alleging that accused No.1- Garvit Innovative Promoters Limited had launched a Scheme in 2017, namely "Bike Boat" wherein they offered people to invest ₹62,100/-, against which Company offered to pay ₹9,800/- per month for one year. In case investor get the other persons to join the Scheme, separate bonus was also offered. It was alleged that in November, 2018, accused Karan Pal Singh visited the chamber of complainant, introduced him as a Director of Company and believing his representation regarding the scheme, the complainant invested ₹62,100/- which was deposited in the bank account of the Company. Later on, said accused Karan Pal had issued a cheque dated 10.1.2020 for ₹2,26,816/- but the same bounced. It was alleged further that various people had been cheated by the accused by grabbing crores of rupees.

3. It is submitted by the petitioner that he has been falsely

implicated; that no role is attributed to him in the FIR; that whatever allegations are made in the FIR, these are against accused Karan Pal Singh; that amount of ₹62,100/- was also paid by the complainant to said Karan Pal Singh, who had also allegedly issued a cheque which bounced; that challan has already been filed and trial is likely to take time to conclude and so, in all these circumstances, regular bail be granted, as petitioner is already in custody ever since 12.10.2021 i.e., for the last one year and six months.

4. Opposing the bail petition, it is submitted by learned State Counsel that petitioner is involved in as many as 124 cases as per the list provided in the status report filed by way of affidavit of Shri Satya Pal, Assistant Commissioner of Police, Central, Faridabad on behalf of the respondent. It is submitted further that petitioner was one of the Directors of Garvit Innovative Promoters Limited on 20.07.2010, though he had resigned from the said Company on 14.02.2017. Learned state counsel further submitted that so many people like the complainant have been duped by the Company and its associates including the petitioner. Prayer is made to reject the bail petition.

5. Rebutting the aforesaid contentions, it is submitted by learned counsel for the petitioner that out of 124 FIRs disclosed by the State, as many as 119 FIRs (118 FIRs lodged in UP) have been clubbed as per the order dated 12.05.2022 by Hon'ble Supreme Court in ***WP(s)(Criminal) No(s).197/2021 – Satinder Singh Bhasin Vs. The State of Uttar Pradesh and another.*** He also placed on record copies of various orders passed by the High Court of Rajasthan, in which petitioner has already been allowed bail. It is further pointed out that similarly placed co-accused Ajeet Kumar alias Adesh Bhati has already been allowed bail by this High Court vide order dated 30.11.2022 in CRM-M-41254 of 2022. With these submissions,

prayer is reiterated for grant of bail to the petitioner.

6. I have considered submissions of both the sides and have perused the record.

7. It is in November, 2018 that complainant had invested the amount of ₹62,100/- with the accused No.1 – Company i.e., Garvit Innovative Promoters Limited. As per FIR itself, it is Karan Pal Singh, co-accused who had approached the complainant and the money was deposited through him in the account of the Company. It is Karan Pal, who had issued cheque to the complainant, which was later on dishonored. No role of the petitioner is specified in the FIR except that he was associated with the Company. Petitioner has placed on record Form No.DIR-12 revealing that petitioner had ceased to be Director of the Company on 14.02.2017 i.e., much before investing of the amount in the scheme by the complainant. Case is triable by the Magistrate. Petitioner is in custody for the last more than one year and six months. Co-accused Ajeet Kumar @ Adesh Bhati has already been allowed bail by co-ordinate Bench of this High Court in CRM-M-41254 of 2022 vide order dated 30.11.2022. Considering all these circumstances, bail cannot be declined simply because of the involvement of the petitioner in other cases.

8. Having regard to the aforesaid discussion, but without commenting anything further on the merits of the case, present bail petition is accepted. Petitioner is directed to be released on bail on his furnishing requisite bonds to the satisfaction of learned trial Court/ Duty Magistrate concerned.

April 17, 2023

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(DEEPAK GUPTA)

JUDGE

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