

101(18)

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH****CRM M-10188-2022 (O&M)****Date of Decision: 27.02.2024**

Basant Kumar

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR.JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Vikram Sheoran, Advocate,
for the petitioner.

Mr. Kiran Pal Singh, AAG, Haryana.
assisted by ASI Narender Singh.

Mr. Nitin Jain, Advocate,
for the complainant.

MAHABIR SINGH SINDHU. J.

Present petition has been filed under Section 438 of the Code of Criminal Procedure (for short “Cr.P.C”) for grant of pre-arrest bail to the petitioner in FIR No.222 dated 30.03.2018 registered under Sections 406, 419, 420, 467, 468, 471, 201 & 120-B IPC, registered at Police Station, Sadar Palwal, District Palwal.

2. The instant FIR was lodged on the complaint moved by Neeraj Jain, Director, M/s Namo Alloys Private Limited alleging that in the month of October, 2015, he had appointed Ritesh Jaju, (Chartered Accountant) to maintain accounts of his company. On 01.03.2018, during the course of audit made by different auditors, it was discovered that Ritesh Jaju (C.A.) had embezzled an amount of about Rs.5 crore in connivance with bank officials, company staff, Aditya Group, Gupta Group, Cool Age Aid-condition, Ganpati Aman, N.K. Builder, M.G. Trading, Raj Enterprises, Shiv Enterprises by

forging documents and the amount had been transferred in the accounts of the said companies. Upon further inquiry, it surfaced that Ritesh Jaju (C.A.) has been committing said fraud in connivance with the aforesaid companies and his wife Priyanka Jaju. Since at the time of lodging of the FIR, the audit was still going on and it was expected that the total amount defrauded would ultimately be found to be much more.

3. Learned counsel on instructions from petitioner submits that he is not named in the FIR; he is a proprietor of Star Trading. Also submits that although, there is no interim protection, but, petitioner has already joined investigation on various occasions; hence his custodial interrogation would not serve any purpose.

4. The above factual position is duly acknowledged by learned State Counsel, on instructions from quarter concerned and fairly submitted that petitioner has joined investigation on various occasions; investigation qua him is complete and his custodial interrogation is not required, at this stage.

5. Although, learned counsel for complainant objected to the prayer of the petitioner, but since State is not asking for custodial interrogation, therefore, the objection of complainant stands rejected.

6. Consequently, present petition is allowed. In the event of arrest of petitioner, the Arresting Officer would admit him to bail on furnishing adequate bail and surety bonds to his satisfaction. The petitioner shall also abide by all the conditions as envisaged under Section 438(2) of Code of Criminal Procedure, 1973.

7. It is also made clear that petitioner shall fully co-operate with the Investigating Officer as and when called for further investigation.

8. The above observations be not construed as an expression of opinion on merits of the case; rather confined only to decide the present bail matter.
9. Disposed off accordingly.
10. Pending criminal misc. application(s), if any, shall also stand disposed off.

27.02.2024
SN

(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking/reasoned : Yes/No
Whether Reportable: Yes/No