



CRM-M-15685-2024 and another connected case

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215 + 219

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

Date of Decision:- 03.09.2024

(1)

CRM-M-15685-2024

Sanjay Satpathy

...Petitioner

Versus

State of Punjab

...Respondent

(2)

CRM-M-26046-2024

Sunil Kumar @ Vijay Shekhawat

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:-HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present: Mr. Ranjeet K. Jaswal, Advocate
for the petitioner in CRM-M-15685-2024.

Mr. Sukhwinder Singh Sudan, Advocate
for petitioner in CRM-M-26046-2024.

Mr. Neeraj Madaan, Sr. DAG, Punjab.

AMARJOT BHATTI, J.

1. The petitioners – Sanjay Satpathy and Sunil Kumar alias Vijay Shekhawat have filed separate petitions under Section 439 Cr.P.C. for grant of regular bail in FIR No. 297 dated 02.12.2020 under Section 406, 420 of Indian Penal Code, 1860, registered at Police Station Kotwali, Patiala

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(Annexure P-1), later on added Section 120-B of IPC in challan/final report dated 25.05.2023 (Annexure P-2). These petitions have arisen out of same FIR, therefore, both petitions are taken up together for disposal.

2. Facts of the case are written complaint was filed by Parvesh Kumar complainant bearing No. 5088 dated 31.08.2020, alleging that Harish Kumar Sharma, Rishpal Singh, Sanjay Satyapadi, all Directors of DBM Retail Pvt. Ltd. Gurgaon, Akash Mishra, Vijay Shekhawat, Girish Gandhi and Prashant Kumar, all played fraud with him by preparing forged documents and grabbing huge amount. The aforesaid persons prepared fake companies and played fraud with innocent people. In September 2018, Akash Mishra, Incharge, Mohali office met him at Patiala and presented that DBM Retail Pvt. Ltd. is a big company and was going to launch grocery and dairy products stores in different cities for which company needs retail counters. It was alleged that huge commission will be given to shop owners. With the intention to deceive him, Akash Mishra called him to Mohali office and thereafter took him to Gurgaon office and introduced him with three Directors of company. They assured that complainant will get commission on sale of goods, rent for the shop and in case he invest money in company, then there is guarantee for 12% return. Complainant believing on their assurance on 10.11.2018 invested ₹25 lacs in the said company. He entrusted this money to Vijay Shekhawat, Girish Gandhi and Prashant Kumar. No retail shop was set up. In-fact shop was used as a warehouse for sometime and money was sent but thereafter they stopped. Offices of company were closed and said three Directors switched off their phones. Complainant with his own efforts found numbers of Vijay

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Shekhawat, Girish Gandhi and Prashant Kumar and talked with them but they threatened to kill him. Matter was inquired by SP-PBI, Patiala. Thereafter, present FIR was registered.

3. Learned counsel for petitioners argued that petitioner Sanjay Satpathy was nominated as accused when he was already in judicial custody in another case. No specific role is attributed to him. He is behind the bars since the day of arrest i.e. 25.01.2024. Trial of this case may take long time. He cannot be kept behind the bars for indefinite time period. He had approached learned Judicial Magistrate 1st Class, Patiala for grant of regular bail, which was dismissed on 28.02.2024. Thereafter, he approached the Court of learned Additional Sessions Judge, Patiala for grant of regular bail, which was again declined vide order dated 07.03.2024. Copies of aforesaid orders are Annexures P-5 and P-6. Present petitioner is ready to abide by the terms of bail order and will face trial. He is not likely to abscond. Therefore, his regular bail petition may be allowed.

4. Regarding petitioner Sunil Kumar @ Vijay Shekhawat, it is argued that he had also applied for regular bail which was declined by learned Judicial Magistrate 1st Class vide order dated 10.04.2024, Annexure P-3 and regular bail application filed before learned Additional Sessions Judge was also declined vide order dated 25.04.2024, Annexure P-4. He is involved in other cases in which he has been granted bail. Trial of this case is likely to take some time. Co-accused Girish Kumar Gandhi has been granted regular bail in case bearing CRM-M No. 41857 of 2023 vide order dated 07.11.2023, Annexure P-2. He will also abide by the terms of bail



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order. Therefore, his regular bail petition may also be allowed.

5. Both bail petitions are opposed by learned counsel representing State. Status report has been filed in CRM-M-15685-2024 titled “Sanjay Satpathy Vs. State of Punjab”. It is pointed out that after completion of investigation, challan has been presented regarding Sanjay Satpathy on 11.03.2024 and against accused Vijay Shekhawat alias Sunil Kumar on 30.05.2024. Apart from them, other co-accused are also challaned. The case is fixed for appearance of accused.

6. I have considered the arguments and have gone through the record carefully. There are specific serious allegations levelled by the complainant how he was trapped and persuaded to invest huge amount for gain. Perusal of status report indicates that petitioner Sanjay Satpathy is involved in as many as 15 other FIRs, whereas petitioner Sunil Alias Vijay Shekhawat is also involved in as many as 20 other FIRs of similar nature. Trial is at initial stage. Charge sheet is yet to be framed and thereafter statement of complainant and other material witnesses are to be recorded. Considering the gravity of offence and the fact that both petitioners are involved in large number of cases of similar nature, I do not find it appropriate to release petitioners – Sanjay Satpathy and Sunil Kumar alias Vijay Shekhawat on regular bail at this stage and accordingly, their bail petitions are dismissed.

7. Pending miscellaneous application(s), if any, stand disposed of accordingly as well.

03.09.2024

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(AMARJOT BHATTI)
JUDGE