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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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Date of Decision:- 19.04.2024

Rahul Kapoor

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE ALOK JAIN

Present: Dr. Anmol Rattan Sidhu, Senior Advocate with
Mr. Suvir Sidhu, Advocate for the petitioner.

Mr. Brijesh Sharma, AAG, Haryana.

Mr. Sanjiv Gupta, Advocate for the complainant.

ALOK JAIN, J. (Oral)

1. Prayer is for grant of regular bail to the petitioner in case FIR No.393 dated 08.07.2023, under Sections 406, 420, 506, 465, 467, 468, 471 and 120-B of IPC, registered at Police Station Ambala City, District Ambala, Haryana (Annexure P-1).
2. Learned Senior counsel for the petitioner has submitted that a purely business dispute has been given a criminal colour and the petitioner is in custody since 08.12.2023. The charges have already been framed on 21.03.2024 and the entire evidence is documentary in nature.
3. Custody certificate filed by learned State counsel is taken on record.
4. Learned State counsel assisted by learned counsel for the complainant has vehemently opposed the concession of bail to the petitioner and has submitted that the petitioner is part of a cartel, which commits white collar crimes and there is ample evidence of the active participation of the petitioner in the entire offence and the complainant has lost almost Rs.2.5

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Crores in the same. However, learned Senior counsel for the petitioner could not deny the fact that it was his own brother-in-law/Rajesh Verma, who is close relative of the complainant, who propounded the business modules of starting a business of immigration at Dubai for which the present petitioner and his brother were introduced.

5. Learned counsel for the complainant submits that the mastermind of the entire matter is one Vivek Gehlot, who was in customs and there are various cases already lodged against him. He also submits that Rahul Kapoor is running a firm by the name of Vasant Motors and his partner Vishal Malik also played a pivotal role as there are huge amounts transferred in their accounts. He submits that Himanshu-brother of the petitioner is absconding and has already left the country and the petitioner is at flight risk.

6. *Per contra*, learned Senior counsel for the petitioner submits that Himanshu has not absconded and is very much present in the country and he is not aware about the whereabouts of Vishal Malik. He ensures that the petitioner shall not absent himself from the proceedings and there is no flight risk, however, the petitioner is ready to surrender his passport. He has volunteered that the petitioner is ready to give a **heavy surety of Rs.5 lacs**.

7. Heard learned counsel for the parties.

8. In light of the above and considering the fact that the entire dispute is commercial in nature and more so, the evidence is documentary, coupled with the fact that the petitioner is in custody since 08.12.2023 and the trial is likely to take a long time, hence, no useful purpose would be served by keeping the petitioner in custody.

9. Without commenting upon the merits, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing

bail and *heavy surety* bonds of Rs.5 lacs subject to the satisfaction of the trial Court/Duty Magistrate, concerned. He shall, however, be released on the following conditions:

- i. As volunteered, the petitioner shall deposit his passport.
- ii. The petitioner shall declare his ordinary place of residence and the mobile number used by him.
- iii. He will not switch off his mobile and in case of any technical glitch, he has to give an alternate number, which will be available in his absence.
- iv. He will mark his presence before the SHO concerned, after every 15 days and in case the SHO refuses to mark his presence, he is permitted to make an application before the Illaqa Magistrate, concerned.
- v. He will not leave the country without the prior permission of the Court, for which he will submit the copy of his passport also.

10. The petitioner shall abide by the terms and conditions as imposed in addition to Section 439 of Cr.P.C.

11. However, nothing stated above shall be construed as a final expression of opinion on the merits of the case.

12. It is made clear that, in case, the petitioner is found involved in any such activity once again, the State is at liberty to promptly move an appropriate application for cancellation of bail detailing out the circumstances and violation of conditions of bail.

13. However, it is made clear that this order shall not be construed as parity *qua* any other co-accused.

14. In case, the petitioner absents himself from the proceedings without any cogent reason, the amounts of Rs.5 lacs deposited as surety will be immediately forfeited in favour of the State.

April 19, 2024
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(ALOK JAIN)
JUDGE

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