



In the High Court for the States of Punjab and Haryana
At Chandigarh

CRM-M-19408-2024 (O&M)
Date of Decision:-24.7.2024

Jitender Sharma ... Petitioner
Versus
State of Haryana ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Babbar Bhan, Advocate for the petitioner.
Mr. Neeraj Sheoraj, DAG, Haryana.

FIR No.	Dated	Police Station	Section/s
0159	9.5.2020	Sector 9-A, District Gurugram	120-B, 406, 420, 467, 468, 471 and 506 of IPC

GURVINDER SINGH GILL, J. (Oral)

1. The instant petition has been filed on behalf of the petitioner seeking grant of anticipatory bail in respect of aforementioned FIR.
2. The FIR was lodged at the instance of Aditya Chaudhary, wherein it is alleged that Sandeep Vats, Vinod, Sumit, Deepak, Pardeep and Jeetu had committed a fraud of an amount of Rs.2,65,58,600/- with the firm of the complainant ‘M/s A.V. Logistic Solutions’. The complainant Aditya Chaudhary alleged that Sandeep Vats had been appointed by their firm as Marketing Manager in March, 2018 as he had represented that he has experience of transportation. He was given responsibility to procure work orders from various companies and was also given a motorcycle to enable him to do the marketing work. It is alleged that Sandeep Vats told the complainant that he had been able to



procure transport work from 'M/s Amtek India Limited' having its office at Dharuhera, District Rewari and that trucks were required to be sent for execution of the same, which were to be sent from Bhiwadi (Rajasthan) to Dewas (Madhya Pradesh), Peetampur (Madhya Pradesh), Bangalore, Ahmadabad and Haridwar. It was agreed that the fare of the trucks would be given to the firm 'M/s A.V. Logistic Solutions' after 45 days of submission of the bills. It is alleged that Sandeep Vats formed a firm called 'M/s Amtek Indian Limited' and his brother Pardeep created a firm 'M/s Nihon Parkerzing India Private Limited'. It is further alleged that Vinod, Sandeep Vats and sometimes the boys, who were referred to by them as Sumit, Deepak, Pardeep and Jeetu, used to come to collect money from the office of complainant's firm as advance. It is alleged that Sandeep Vats had been given blank cheques by complainant as Sandeep Vats had represented that the same were to be given as security to 'M/s Amtek India Ltd.' and 'M/s Nihon Parkerzing India Pvt. Ltd.' However, the said cheques had not been returned to the complainant firm. It is further alleged that an amount of Rs.4,44,12,500/- was also released by the complainant company for execution of the work order. However, later it was revealed that two companies i.e. 'M/s Amtek India Ltd.' and 'M/s Nihon Parkerzing India Pvt. Ltd.' were owned by none else but the petitioner Sandeep Vats alongwith other members of his family and were infact bogus firms. The complainant alleged that on account of the said work order, a loss of Rs.2,65,58,600/- had been caused to the complainant company.

3. Status report by way of affidavit of Sh. Naveen Sharma, HPS, Assistant Commissioner of Police, Old Gurugram, has been filed by learned State counsel, which is taken on record.



4. At the time of granting interim bail to the petitioner, the following order was passed on 3.5.2024:-

“Counsel for the petitioner, inter alia, submits that the petitioner is falsely implicated in the present case and even otherwise, entire allegations are against co-accused/Sandeep Vats who is already enlarged on bail. It is further submitted that the petitioner is resident of village Kharak Kalan, District Bhiwani whereas one Jitu who is named in the FIR is resident of village Bamla, District Bhiwani. It is further submitted that operation of order dated 25.2.2021 whereby the petitioner was declared proclaimed person in the present case, is already stayed by this Court vide separate order passed in CRM-M-21887-2024. It is further submitted that the petitioner, who is having no criminal antecedents, is ready to join investigation with the police.

State counsel submits that as per allegations, out of total disputed amount, Rs.25 lakh was given to the present petitioner. However, the State counsel prays for time to seek instructions as to whether Jitu who is named in the FIR and the present petitioner are one and the same person.

Now be listed on 24.7.2024.

In view of above, the petitioner is hereby directed to join the investigation with the police and in case of arrest, he is to be released on interim bail by the investigating officer/arresting officer to his own satisfaction till the next date fixed in this case. The petitioner is also to abide by the conditions envisaged under Section 438 (2) of Cr.P.C.”

5. Learned counsel for the petitioner submitted that he is nowhere named in the FIR and came to be nominated on the basis of a disclosure statement made by co-accused. It has further been submitted that pursuant to interim directions, the petitioner has since joined investigation.
6. Opposing the petition, learned State counsel submitted in the present case sufficient evidence has been collected during investigation to establish the



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complicity of the accused. It has been submitted that the petitioner at one point of time had also been declared a ‘proclaimed offender’ though the said order had subsequently been stayed by this Court. Learned State counsel submitted that although the petitioner has joined investigation but an amount of Rs.25 lakhs is yet to be recovered from him. It has been informed that the petitioner otherwise is not involved in any other case.

7. This Court has considered rival submissions addressed before this Court.
8. It is not disputed that the petitioner came to be nominated on the basis of a disclosure statement made by co-accused, the veracity of which would be debatable and would be subject to the other evidence collected by the prosecution. The contention of learned State counsel that an amount of Rs.25 lakhs has not been got recovered cannot be made a ground to decline anticipatory bail. The petitioner otherwise has joined investigation and is not stated to be involved in any other case. Under these circumstances, the petition merits acceptance and is hereby accepted and the interim directions issued by this Court vide order dated 3.5.2024 are hereby made absolute, subject to the condition that the petitioner shall join investigation as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438(2) Cr.P.C.

24.7.2024
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(Gurvinder Singh Gill)
Judge

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