

101(8)

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH****CRM M-46920-2018 (O&M)****Date of Decision: 27.02.2024**

Rajender Kumar Joshi

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR.JUSTICE MAHABIR SINGH SINDHU

Present: Dr. Anmol Rattan Sidhu, Sr. Advocate with
Mr. Raghav Gulati, 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, 420 and 120-B IPC (Sections 467, 468 & 471 IPC added later on) 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 Senior counsel submits that petitioner was granted interim bail by this Court on 03.12.2018; in pursuance thereof, he has already joined investigation on various occasions. Also contended that petitioner is merely a partner in “*Satyam Gold Testing*”; Further contends that a sum of Rs.61,00,000/- has already been refunded by the petitioner to the complainant; 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 custodial interrogation of the petitioner is not required, at this stage.

5. A Coordinate Bench of this Court vide order dated 03.12.2018, granted interim bail to petitioner and the same reads as under:-

“Learned counsel for the petitioner(s) at the very outset submits that he is ready to explore the possibility of some amicable settlement and to show his bona fide. He intends to hand over two demand drafts of Rs.20 lakhs each and one demand draft of Rs.21.75 lakhs, favouring M/s Namu Alloys Private Limited.

Learned Senior Counsel for the complainant has no objection to the same. Accordingly, the aforesaid drafts are handed over to learned Senior Counsel for the complainant. A photocopy of the same are taken on record.

The parties are directed to appear before the Mediation and

Conciliation Centre of this Court on 10.12.2018 at 10.00 AM. A team of two mediators will be constituted for holding the proceedings.

List on 18.12.2018.

Meanwhile, in the event of arrest, the petitioner(s) be released on interim bail subject to their furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer. However, the petitioner(s) shall join the investigation as and when called upon to do and shall abide by the conditions as provided under Section 438(2) Cr.P.C.”

6. 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.

7. Consequently, In view of above, interim order dated 03.12.2018 is made absolute subject to the conditions as envisaged under Section 438(2) Cr.P.C.

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

9. 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.

10. Disposed off accordingly.

11. 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