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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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Date of Decision:- 10.07.2024

Ravi

....Petitioner

Vs.

State of Haryana and Another

...Respondents

CORAM:- HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present:- Mr. Hitesh Verma, Advocate
for the petitioner.

Mr. Kanwar Sanjiv Kumar, AAG, Haryana.

Mr. Aditya Yadav, Advocate
for respondent No. 2.

AMARJOT BHATTI, J.

Petitioner Ravi has filed petition under Section 438 Cr.P.C. for grant of anticipatory bail in case FIR No. 2023 (Annexure P-1) dated 02.09.2023 under Sections 120-B, 420, 467, 468 and 471 of IPC, registered at Police Station Shivaji Nagar, District Gurugram.

2. Facts of the case are Saroj Bala filed written complaint against Ravi, Hitesh Garg and Vinod Kumar for cheating, misrepresentation, preparing forged documents, misappropriating assets of company and threatening the complainant. It is alleged that Kamlesh wife of Sh. Balwan established a company in the name and style of “Laxmi Farm House Properties Private Limited”, in which the complainant was having 9800 equity shares, whereas, Kamlesh was having 200 shares. Initially, Kamlesh

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and Omkar Dubey were appointed as Directors of the company incorporated on 13.02.2020. Vide Board Resolution dated 12.03.2020, M/s Garg Aggarwal Associates Chartered Accountants were hired as First Statutory Auditor of the company. Kamlesh on behalf of company purchased a plot of 2 kanal at Mouza Uleta, District Nuh for consideration of Rs. 12 lakhs on 12.03.2020 and another land measuring 4 kanal for a sum of Rs. 24 lakhs on 08.10.2020. Omkar Dubey resigned from the company and thereafter, the complainant was appointed as Additional Director on the advise of Hitesh Garg. Said Hitesh Garg used to send one Ravi for collecting papers, files, money, books of account etc. to the office of complainant. Said Ravi came to the complainant on the instructions of Hitesh Garg and asked to check the account. As per the statement of account, she came to know that Rs. 3,80,000/- on 29.12.2021 and Rs. 500/- and Rs. 19,500/- on 02.12.2021 were credited. She had a talk with Hitesh Garg on phone who told her to withdraw Rs. 2 lakhs and to hand over the same to said Ravi, as he had told his client to deposit this amount in the company as there was no big transaction since long in their company. Accordingly, Rs. 2 lakhs were withdrawn and handed over to Ravi on 01.01.2022 on the instructions of Hitesh Garg. The complainant withdrew Rs.1,50,000/- on 24.01.2022 and handed over to Ravi. In this way, the amounts were withdrawn as detailed in the FIR. Due to COVID-19, business of the company of complainant was not running smoothly. The complainant showed her interest to sell her property to one Raju Pandit and on search of title of the property, it was revealed that it stood in the name of one Vinod Kumar. Thereafter, she contacted the accused persons who

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told her to resolve the matter. The complainant was cheated by the accused persons and they also threatened her. Ultimately, matter was reported to the police and accordingly, present FIR has been registered.

3. Learned counsel for the petitioner argued that all the allegations levelled against present petitioner are false. The matter is civil in nature. A civil suit for cancellation of sale deed and declaration has been filed, which is Annexure P-2. Present petitioner was Director of company and duly authorized for the sale of property. The letter appointing him Director and resolution authorizing him to negotiate regarding sale of property are Annexures P-4 and P-5. He is ready to join the investigation. It is prayed that his anticipatory bail application may be allowed.

4. Bail application is opposed by learned counsel representing the State and learned counsel for respondent No. 2. Learned counsel for respondent No. 2 categorically alleged that accused persons have misused the digital signatures of Kamlesh and created false record regarding appointment of Ravi as Additional Director as well as resolution vide which he was allegedly authorized to deal with the property. Learned counsel representing the State also referred to the status report that the allegations against the present petitioner are specific and serious in nature. He is yet to join the investigation. The complainant never authorized him to sell her property. No amount regarding the said sale transaction was ever received by the complainant. All the accused in connivance with each other committed fraud with the complainant and sold her property at a meager price and misappropriated the amount. They also misused the signed documents and prepared resignation letter of Saroj Bala. Documents are



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required to be recovered and petitioner is further required to join investigation. Therefore, considering the gravity of offence, he is not entitled to be released on bail.

5. I have considered the arguments and have gone through the record carefully. Present petitioner is specifically named along with two other co-accused. The complainant has levelled allegations for preparing fake documents and misusing the digital signatures of Kamlesh. In-fact, present petitioner was never authorized by any resolution to alienate the property. All the accused have misappropriated the entire amount by allegedly selling the property to Vinod Kumar at a meager price. So far as civil litigation is concerned, the civil rights of the parties will be adjudicated. In the case in hand, the criminal liability of petitioner along with other co-accused is to be seen. Present petitioner is required to join the investigation considering the nature of allegations.

Therefore, considering the facts and circumstances of the present case, I do not find a fit case for grant of anticipatory bail to petitioner Ravi and accordingly, his anticipatory bail petition is dismissed.

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

10.07.2024
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(AMARJOT BHATTI)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No