

CRM-M-46338-2023
CRM-M-47188-2023
CRM-M-47223-2023

Neutral Citation No. 2024:PHHC:058492
Neutral Citation No. 2024:PHHC:058493
Neutral Citation No. 2024:PHHC:058494

101+215 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Date of Decision: April 29, 2024

1.

CRM-8377-2024 in/and
CRM-M-46338-2023

Rashmi Kumari

...Petitioner

Versus

State of Haryana

...Respondent
2.

CRM-8380-2024 in/and
CRM-M-47188-2023

Mrs. Ruchi Joshi @ Ruchi Vashisht

...Petitioner

Versus

State of Haryana

...Respondent
3.

CRM-M-47223-2023

Dharma Devi Sharma

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. S.K. Garg Narwana, Sr. Advocate with
Mr. Vishal Garg Narwana, Advocate for the petitioner
in CRM-M-46338-2023.

Mr. Yashdev Kaushik, Advocate for the petitioner(s)
in CRM-M-47188-2023 and CRM-M-47223-2023.

Mr. Sumit Jain, Addl. A.G., Haryana.

DEEPAK GUPTA, J.(Oral)

In the three petitions titled above, all filed under Section 438
Cr.P.C., the three petitioners have prayed for grant of anticipatory bail in
case FIR No.292 dated 22.08.2023, under Sections 408, 420, 467, 468, 471
and 120-B of IPC, registered at Police Station Ballabgarh Sadar, District
Faridabad.

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2. FIR was lodged on the complaint of Girish Kumar Gupta, the Managing Director of M/s DPG Kaiser Appliances Pvt. Ltd, Faridabad and also the sole proprietor of M/s Kaiser Appliances, Faridabad, in which co-accused Puran Chand Vashisht (co-accused) was working as Accountant and Ashutosh Sharma (co-accused) was appointed as In-charge of the purchases. It was the duty of co-accused Puran Chand Vashisht to tally the accounts of various vendors of the complainant regarding purchase of consumable material items etc. and to check the bills, gate entries and GST on portal; whereas accused Ashutosh Sharma was supposed to get the entries of the material at the main gate of the company/firm of the complainant and to submit the bills of such materials to accused Puran Chand Vashisht. Trusting both of them, complainant used to sign the cheques in the names of so called suppliers of the firm/company of the complainant. Allegations are that these accused Puran Chand Vashisht and Ashutosh Sharma got formed bogus companies in the name of their respective family members and forged purchase entries and embezzled funds by supplying goods to bogus companies in the name of their family members.

3. Later on, it was found that so many bills of purchases for several orders were neither available in the record nor any entry was made at the main entrance of the complainant's company, indicating that materials were never purchased and in fact forged and fabricated statements were prepared, for which accused got issued cheques from the complainant and thus cheated him for an amount of more than ₹2 crores.

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3. Petitioner - Rashmi Kumari (CRM-M-46338-2023) is the wife of Ashutosh Sharma. Petitioner Ruchi Joshi @ Ruchi (CRM-M-47188-2023) is the wife and petitioner – Dharma Devi Sharma (CRM-M-47223-2023) is the mother of Puran Chand Vashisht.

4. Contentions raised on behalf of the petitioners by their respective counsels are that petitioners have been implicated for being the relatives of main accused Ashutosh Sharma and Puran Chand Vashisht on the allegations that some bogus firms exist in their names to whom the payment was made.

5. Later on, in CRM-M-46338-2023, misc. application bearing No.CRM-8377 of 2024 and in CRM-M-47188-2023, misc. application bearing No.CRM-8380 of 2024 have been filed to place on record some documents.

6. On the no objection by the counsels for the petitioner(s), the applications are allowed. The documents being bill, ledger, inward register and compromise deed are taken on record as Annexures C-1 to C-4 respectively in CRM-M-46338-2023 and the documents being bill, ledger and inward register are taken on record as Annexures C-1 to C-3 respectively in CRM-M-47188-2023.

7. As per Annexure C-4, compromise has been effected between Ashutosh Sharma (through his wife); and Rashmi Kumari (petitioner in 46338-2023) with complainant Girish Kumar Gupta on payment of ₹75 lacs towards full and final settlement of the claim of the complainant.

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8. Today, it is categorically admitted by learned counsel for the complainant that amount of ₹75 lacs has already been received by the complainant pursuant to the compromise (Annexure C-4) and he has no objection for grant of anticipatory bail to the petitioner – Rashmi Kumari.

9. It is further informed by learned State counsel alongwith counsel for the complainant that the main accused – Puran Chand Vashisht and Ashutosh Sharma were arrested during investigation and that both of them have since been allowed regular bail.

10. It is also not disputed before this Court that the main allegations were against co-accused – Puran Chand Vashisht and Ashutosh Sharma, who were employed with the company/firm of the complainant and that allegations against the present petitioners are only to the effect that amount was transferred in their bogus firms.

11. Having regard to the aforesaid facts and circumstances, all the three petitions are hereby allowed. It is directed that in the event of arrest of any of the three petitioners, they shall be admitted to bail to the satisfaction of the Arresting Officer on their furnishing personal/surety bonds. However, it is subject to the condition that they shall join the investigation and co-operate in the same. They will not leave the country without prior permission of the Court nor shall make any attempt to contact the complainant of the case or any witness associated with the case. They shall also abide by conditions as envisaged under Section 438(2) Cr.P.C.

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Photocopy of this order be placed on the connected case files.

April 29, 2024	(DEEPAK GUPTA)
sarita	JUDGE
Whether reasoned/speaking:	Yes/No
Whether reportable:	Yes/No