



CRM-M-47764-2023 and
CRM-M-19835-2024

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

209 CRM-M-47764-2023
Date of Decision: 06.08.2024

AGNISHWAR ROY BASUPetitioner

Versus

STATE OF HARYANARespondent

211 CRM-M-19835-2024

RAKENDER SINGHPetitioner

Versus

STATE OF HARYANARespondent

CORAM: HON'BLE MR. JUSTICE GURBIR SINGH.

Present: Mr. Abhimanyu Singh, Advocate for the petitioner.
(in CRM-M-47764-2023)

Mr. Vinod Ghai, Senior Advocate with
Mr. Arnav Ghai, Advocate and
Mr. Shivam Sharma, Advocate for the petitioner.
(in CRM-M-19835-2024)

Mr. Rajiv Sidhu, DAG, Haryana.

Mr. Aditya Sanghi, Advocate for the complainant.
(in both the petitions)

GURBIR SINGH, J.

1. Vide this common judgment, two petitions i.e. CRM-M-47764-2023 and CRM-M-19835-2024 shall be disposed of. The said petitions have been filed for regular bail.

2. Both the petitions filed under Section 439 Cr.P.C for grant of regular bail to the petitioners in case FIR No. 400 dated 06.10.2022 under



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Sections 120-B, 406, 420 IPC (Sections 467, 471 and 411 IPC are added later on) registered at Police Station Sector-50, District Gurugram. On Section 468 is also added in CRM-M-19835-2024.

3. Brief facts of the prosecution case are that one firm M/s Chhatisgarh Education Foundation was being run under the presidentship of co-accused Vikram Partap Singh and another accused Vikas Attre was its purchase head and it was engaged in business of supply of electrical goods to Chhatisgarh government. Vikas Attre projected to the various vendors that they received purchase orders from various departments of Chhatisgarh government in the name of M/s Chhatisgarh Education Foundation for supply of electrical goods. On their assurance, various vendors agreed to supply fans and electric wires to them at a reasonable rates and Vikas Attre, being its purchase head, assured to the vendors that the payment will be made within 45 days of the date of delivery. The post-dated cheques signed by co-accused Vikram Partap Singh were also handed over to the vendors as a security. The electric goods supplied by the complainant and other vendors were received by co-accused Agnishwar Rai, its ware house and admn. incharge. Thereafter, the accused persons failed to make the payment and the security cheques were also dishonored and that office of M/s Chhatisgarh Education Foundation located at Spaze IT Park was also found lying closed. Then complainant Akhil Sarda lodged complaint in writing with the police and initially an FIR in this case was registered under Sections already mentioned above against Vikram Partap Singh, Naresh Babu, Mukesh Sahu, Vikas Attre, Agnishwar Rai and Krishna Murari



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on 06.10.2022.

4. Learned counsel for the petitioner appearing on behalf of Agnishwar Roy Basu has argued that petitioner is in custody since 28.04.2023. He further submits that petitioner was only an employee of the NGO, Chhattisgarh Education Foundation. Petitioner had never communicated with the complainants or the firms of the complainants. Petitioner is not beneficiary. He neither misappropriated any property nor had in the possession of any product as alleged to have been taken by the co-accused.

5. Learned State counsel has already filed the reply in CRM-M-47764-2023 on 31.01.2024. It is argued by learned State counsel and counsel for the complainant that the goods were supplied by the complainants and same were received by the petitioner being warehouse and admin. incharge. Petitioner and co-accused namely Nikhil Raj Singh disclosed during investigation that they had sold the other articles in collusion with Ram Dass Sirke. The petitioner had acted in connivance with other co-accused and thereby induced the victims and had acquired wrongful gains by way of preparing forged documents for the purpose of cheating.

6. Learned counsel appearing on behalf of the petitioner-Rakender Singh in CRM-M-19835-2024 has submitted that petitioner is the father of co-accused namely Nikhil Raj Singh. He further submits that Vikram Pratap Singh was arrested and thereafter Nikhil Raj Singh (son of the petitioner) was arrested. On the basis of their disclosure statements,



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petitioner was nominated and arrested on 11.09.2023. The name of the petitioner was introduced more than one year after the registration of the present FIR. The petitioner is not anyway associated with the Chhattisgarh Education Foundation. Nikhil Raj Singh (son of the petitioner) has already been granted concession of regular bail by the Coordinate Bench of this Court in CRM-M-35929-2023 on 19.01.2024.

7. Learned State counsel has opposed the bail to the petitioner. It is submitted that godown in which goods were supplied were hired by the petitioner.

8. I have heard the submissions of learned counsel for the petitioner as well as learned State counsel and have gone through the paper book.

9. It is not the case of the prosecution that petitioners ever approached the various vendors/complainants and misled them to supply goods by showing the forged work orders. The post-dated cheques which are given as security were not bearing the signatures of the petitioners. On asking, learned State counsel submits that there is no document that godown was hired by the petitioner-Rakender Singh. Challan has already been presented. Offences are triable by the Judicial Magistrate. The co-accused namely Nikhil Raj Singh has already been granted concession of regular bail.

10. In the light of the above, this Court is of the view that no useful purpose is going to be served by prolonging the judicial custody of the petitioners. Consequently, both the petitions are hereby **allowed** and the



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petitioners are directed to be released on regular bail on their furnishing bail bonds/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate concerned. The petitioners are directed not to leave the country without prior permission of the Court concerned and not to pressurize the prosecution witnesses in any manner.

11. Observations made herein above are not to be construed as expression of opinion on the merits of the case.

06.08.2024

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**(GURBIR SINGH)
JUDGE**

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