

2024:PHHC:161351



(2nd case)

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M No.59519 of 2023 (O&M)

Date of decision: 04.12.2024

Ramesh Sanka

...Petitioner

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Mandeep Singh Bedi, Senior Advocate assisted by
Mr. Vineet Sehgal, Mr. Abhishek Thakur,
Ms. Navjot Kaur & Mr. Navrajdeep Singh, Advocates
for the petitioner.

Mr. Deepak Sabharwal, Addl. AG, Haryana assisted by
Mr. Kiran Pal Singh, AAG, Haryana for respondent No.1.

Mr. Birender Singh Rana, Senior Advocate assisted by
Mr. Prateek Rathee, Mr. Nayandeep Rana, Advocates,
Mr. G.S. Aulakh, Advocate for Mr. Hitesh Malik, Advocate
for the complainant/respondent No.2.

Mr. Viren Sibal & Mr. Satyam Sharda, Advocates
for the intervenor-Gurinder Singh.

Mr. Rohit Kaushik, Advocate
for the intervenor-Nitin Gupta.

MAHABIR SINGH SINDHU, J.

Present petition has been filed under Section 439 of the Code of
Criminal Procedure, 1973 for grant of bail pending trial to the petitioner in

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FIR No.1566 dated 24.06.2023 (P-1), under Sections 120-B, 417, 465, 468 & 471 of the Indian Penal Code, 1860 (*for short 'IPC'*), registered at Police Station Shivaji Nagar, District Gurugram.

(2) Above FIR was registered on the basis of statement made by *de facto* complainant/respondent No.2-Sanjeev Bindal, Authorized Signatory of M/s Ireo Private Limited (*for short 'Company'*) and which reads as under:-

"I Sanjeev Bindal Authorised person of Ireo Residences Company Private Limited, do hereby submit as under: 1. That FIR No 199/2022 u/s 389,120 (B), 418, 420 of IPC has been lodged at P.S. Sector 65, Gurgaon against accused Ramesh Sanka, Vivek Sehgal Sumit Kumar. 2. Presently you are the Investigation officer and it has come to my knowledge that the accused Ramesh Sanka against whom in another FIR No 58/2020 at P.S. Sector 65, Gurgaon, in which the Case CHI/1512/2020 was listed on 17/4/2023 before court of Sh Vinay Kakran, JMIC, Gurgaon for attendance of accused Ramesh Sanka, the accused has submitted an exemption application through his counsel on the ground of medical certificate given by Hospital at Delhi. 3. That, I have taken certified copy of the application along with medical certificate through my counsel from the Court of Sh. Vinay Kakran, JMIC, Gurgaon. Certified Copy attached. 4. That the accused is evading arrest in spite of Hon'ble Supreme Court rejecting his anticipatory bail application and directing the accused to surrender. 5. That Ld. Court of Sh. Manoj Kumar Rana, ACJM, Gurgaon has declared the accused Ramesh Sanka as proclaimed offender. Kindly take necessary action to arrest the accused Ramesh Sanka as the accused may be hiding in Delhi and evading arrest. Thanking You For & on behalf of Ireo Residences Company Private limited."

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(3) Contends that petitioner has been falsely implicated in the present case on account of personal vendetta by the complainant/respondent No.2. Also contends that petitioner was granted interim bail by this Court on 01.12.2023 and he is regularly appearing before learned trial Court on each and every date of hearing; hence, the same be made absolute. Further contends that complainant in connivance with the police is trying to implicate the petitioner in false cases, one after the other, just to create an evidence for rejection of his bail application.

(4) *Per contra*, learned State Counsel while opposing the prayer submits that there are specific allegations against the petitioner and charges have already been framed under Sections 120-B, 417, 465, 468, 471 & 201, IPC. Further submits that petitioner procured false and fabricated Medical Certificate for seeking personal exemption to evade the process of law, during trial in another case i.e. FIR No.58 dated 30.03.2020, under Sections 381 & 409, IPC, registered at Police Station Sector 65, Gurugram. Again submits that vide order dated 01.12.2023, interim bail was granted to the petitioner, but he is continuously threatening the prosecution witnesses and in case interim bail is made absolute, he shall hamper the trial. Lastly submits that petitioner is having a criminal background and as on today, he is facing various cases.

(5) Learned Senior Counsel for the complainant as well as intervenors also opposed the prayer of petitioner, submitting that he has committed a serious offence and polluted the judicial proceedings, while

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producing false and fabricated Medical Certificate; thus, he does not deserve the concession of bail. Further submits that petitioner time and again is threatening the witnesses, not to depose against him before learned trial Court; and as such, he is misusing the concession of interim bail. Reference has also been made to the complaints dated 20.07.2024 & 22.11.2024, made by Nitin Gupta (Intervenor) as well as complaint dated 29.06.2024 at the instance of Gurinder Singh (Intervenor).

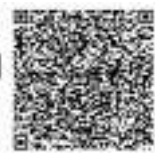
(6) During the course of hearing, learned State Counsel, on instructions, acknowledged that aforesaid complaints are pending consideration with the police officer(s) concerned.

(7) Heard learned Counsel for the parties and perused the paper-book.

(8) The petitioner was granted interim bail by this Court on 01.12.2023 and the matter has been adjourned from time to time on request of the parties; therefore, interim bail is continuously extended. Ultimately, on 28.11.2024, it was made clear that no further adjournment shall be granted to either of the parties.

(9) In the present case, there are specific allegations against the petitioner that he has committed the offences punishable under Sections 120-B, 417, 465, 468, 471 & 201, IPC and he has been charge-sheeted by learned trial Court on 08.04.2024. There is no quarrel that prosecution evidence is going on and out of total 17 witnesses, 03 have already been examined.

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(10) Learned State Counsel as well as learned Counsel for the complainant/intervenors have specifically opposed the prayer of petitioner on the premise that he is continuously threatening the prosecution witnesses and reference in this regard has been made to complaints dated 20.07.2024, 22.11.2024 & 29.06.2024 (*ibid*), which are still pending with the police.

(11) Apart that, learned State Counsel apprised that petitioner is facing number of criminal cases and details of which are as under:-

<i>Sr. No.</i>	<i>Particulars of Cases(s)</i>	<i>Remarks</i>
1.	<i>FIR No.1566 dated 24.06.2023, under Sections 417, 465, 468, 471 & 120-B of the Indian Penal Code, 1860, registered at Police Station Shivaji Nagar, District Gurugram</i>	Present Petition (Pending)
2.	<i>FIR No.58 dated 30.03.2020, under Sections 381 & 409, IPC, registered at Police Station Sector 65, Gurugram</i>	<i>Pending</i>
3.	<i>FIR No.199 dated 21.07.2022, under Sections 120-B, 389 IPC (Sections 418, 420 & 201, IPC added later on), registered at Police Station Sector 65, Gurugram.</i>	<i>Pending</i>
4.	<i>FIR No.253 dated 08.08.2024, under Sections 385, 409 & 506 of the Indian Penal Code, 1860; Section 66 of the I.T. Act, registered at Police Station DLF, Phase-I, District Gurugram</i>	<i>Pending</i>
5.	“Assistant Director, Directorate of Enforcement Versus Lalit Goyal and	<i>Pending</i>

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	<i>others”</i> (COMA/01/2022), before learned Special Court under PMLA, Panchkula	
6.	COMI/600/2022, titled as <i>“Subhasis Lahiri Versus Ramesh Sanka”</i> , before learned JMIC, Gurugram	Pending
7.	COMI/418/2018, titled as <i>“M/s IREO Pvt. Ltd. (through AR Subhasis Lahiri) Versus Ramesh Sanka”</i>	Pending
8.	Cancellation of Bail (CRM-9548-2022), titled as <i>“State of Haryana Versus Ramesh Sanka and others”</i>	Pending
9.	CRM No.124/2024, titled as <i>“IREO Private Limited Versus Ramesh Sanka”</i>	Pending
10.	F. No. ECIR/GNZO/10/2021	Pending

(12) Even after grant of interim bail, petitioner is found to have been indulged in FIR No.253 dated 08.08.2024 (*supra*).

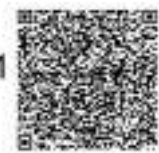
(13) As there are specific allegations against the petitioner for misuse of interim concession while threatening the prosecution witnesses; therefore, releasing of petitioner on bail shall hamper the fair trial.

(14) In view of the above, no ground is made out to grant bail pending trial to the petitioner “at this stage”.

(15) Consequently, the petition is dismissed.

(16) Needless to say that interim order dated 01.12.2023, extended from time to time, shall come to an end, automatically.

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(17) It is clarified that above observations be not construed as an expression of opinion on the merits of the controversy in any manner.

Pending application(s), if any, shall also stand disposed off.

4th December, 2024
Gagan

(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking/reasoned	Yes
Whether Reportable	Yes