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

CRM-M-58794-2024

Date of Decision: 17.12.2024

Ravendra

...Petitioner

VS.

State of Haryana

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Ms. Priyanka Deo, Advocate and
Mr. Amit Kumar, Advocate
for the petitioner.

Mr. Rajinder Kumar Banku, Deputy Advocate General, Haryana.

Mr. Balwinder Singh, Advocate
for the complainant (through VC).

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the present petition under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 with a prayer to grant anticipatory bail to him in case FIR No.19 dated 15.01.2024 registered under Sections 420, 408, 120-B of IPC (Section 201 added later on), at Police Station SGM Nagar, Faridabad.

2. Learned counsel for the petitioner contends that the allegations were mainly levelled against Karan Luthra and his wife Richa Rani. However, Karan Luthra as well as Richa Rani have already been granted the concession of bail vide orders Annexures P-3 and P-4, respectively. Learned counsel further contends that in fact, there was a dispute relating to certain business transactions between the complainant and Karan Luthra. The affairs of M/s

Singh Liquor were subjected to audits regularly and no objections were raised by anyone. The petitioner had no concern with transaction between Karan Luthra and the complainant. During the course of investigation, it has been falsely alleged that an amount of Rs.7,63,330/- was transferred by Karan Luthra, Richa Rani and Punit Walia in the account of firm of the petitioner. Even the petitioner was maintaining another personal account in IDBI Bank and an amount of Rs.4,97,000/- was transferred by Karan Luthra, Richa Rani and Punit Walia in the said account. In fact, the petitioner was only working as a salesman on the liquor vend of Karan Luthra and he had no connection with the alleged embezzled amount. Learned counsel further contends that the recoveries, if any, have already been effected from the Karan Luthra and the custodial interrogation of the petitioner will not be required in the peculiar facts and circumstances of the present case.

3. On the other hand, learned State counsel assisted by learned counsel for the complainant have vehemently opposed the submissions made by learned counsel for the petitioner on the ground that the petitioner had received a total amount of Rs.12,60,330/- from the co-accused Karan Luthra, Richa Rani and Punit Walia, which was part of the embezzled money and the said money is yet to be recovered from the present petitioner. Learned counsel further contend that two more criminal cases have been registered against the present petitioner and he is a habitual offender.

4. I have heard learned counsel for the parties and perused the record.

5. In the present case, two cases i.e. FIR No.452 dated 19.09.2023 under Sections 120-B, 34 of IPC and Sections 61/4/20 of Excise Act, Police Station Dabua, Faridabad and FIR No.170 dated 13.05.2021 under Sections

188, 120-B of IPC and Sections 61/4/20 of Excise Act and Section 51 of Disaster Management Act, 2005, Police Station SGM Nagar, Faridabad were registered against the present petitioner. From the perusal of the offences mentioned in the said FIRs, it appears that the said offences pertained to sale of liquor by the firms of Karan Luthra. In any case, the registration of other cases is no ground to reject the bail in the present case as the petitioner has been able to make out a case for grant of bail in the peculiar facts and circumstances of the present case. The reliance can be placed on the law laid down by the Hon'ble Supreme Court in the matter of "Prabhakar Tewari Vs. State of U.P., and another" 2020(1) R.C.R. (Criminal) 831 where it has been held that the pendency of several criminal cases against the accused cannot be the basis to refuse the prayer of bail. Similar observations have been made by the Hon'ble Supreme Court in the matter of "Maulana Mohd. Amir Rashadi Vs. State of U.P., and another" 2012(1) R.C.R. (Criminal) 586.

6. Still further, in the present case, the only allegation against the present petitioner is that an amount of Rs.12,60,330/- was deposited in the account of the petitioner, out of the embezzled amount by his co-accused, namely, Karan Luthra, Richa Rani and Punit Walia. Karan Luthra and Richa Rani have already been admitted to bail vide orders Annexures P-3 and P-4, respectively. Even they joined investigation and the final report under Section 173 Cr.P.C. has already been presented against them. Thus, in the considered opinion of the Court, the custodial interrogation of the petitioner may not be required. Moreover, the criminal prosecution can never be used by the police as recovery proceedings and the present petition deserves to be allowed by this Court.

7. Without commenting any further on the merits of the case, the present petition is allowed. The petitioner is granted concession of anticipatory bail, subject to the conditions as provided under Section 482(2) of BNSS. It will be open for the Investigating Officer to call the petitioner to join investigation, if so required, by issuing a written notice in this regard and he shall abide by the conditions mentioned in Section 482(2) of BNSS.

17.12.2024.
hemlata

(N.S.SHEKHAWAT)
JUDGE

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