

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

252

CRM-M-911-2024

Date of decision: 15.01.2024

Gaurav Chhabra

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Priyanshu Kamra, Advocate
for the petitioner.

Mr. Mohit Kapoor, Addl. A.G., Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 439 of the Cr.P.C. in case FIR No.218 dated 28.12.2018 under Sections 420, 120-B of the IPC registered at Police Station City-1 Abohar, District Fazilka.

2. Learned counsel for the petitioner inter alia contends that the petitioner has been falsely implicated in the instant case for allegedly defrauding the complainant of more than ₹10 lakhs by enticing him with promises of doubling the invested amount in M/s Nature Heights Infra Ltd. (hereinafter referred to as 'Company'). Learned counsel submits that the petitioner is only a Non-Executive Director of the Company and was in no manner in charge of its day to day affairs. Learned counsel has further contended that it was also a matter of record that the entire amount was deposited by the complainant and other investors directly into the account of the Company and not even a single penny had ever been received by the

petitioner much less deposited into his account by the complainant or the investors. While drawing the attention of this Court to Annexure P-11, it has been further submitted that his false implication is evident from the fact that neither anything adverse had been reported against him in Enforcement Directorate Report nor any recovery of any money ever effected from him. While acknowledging his involvement in 23 other criminal cases of similar nature, learned counsel has asserted that it is also a matter of record that he already stands acquitted in 07 of those cases. In support, attention of this Court has been drawn to Annexures P-4 to P-8. Learned counsel has lastly urged that as the petitioner has now been in custody for the last 06 years and the conclusion of the trial anytime in the near future appears to be bleak as only 02 prosecution witnesses out of the 25 cited, have been examined till date, hence, his further incarceration would serve no useful purpose.

3. Per contra, learned State counsel has vehemently opposed the prayer made by learned counsel for the petitioner, by submitting that there are serious allegations against the petitioner as well as the Company in which he was a Director, of having duped investors by falsely promising double returns of their investments. It has been asserted by the learned State counsel on instructions that the claim of the petitioner that he has been in custody for the last 06 years, is incorrect and totally misleading; the petitioner was arrested in the present case only on 06.08.2022 while he was in custody in some other cases. It has been further submitted that given the criminal antecedents of the petitioner and his involvement in a number of similar cases, he does not deserve to be enlarged on bail mreso since the trial has been

progressing at a reasonably good pace and 02 prosecution witnesses out of the 25 cited, already stand examined. It has also been submitted that the prosecution witnesses have been regularly appearing before the Trial Court and hence, the apprehension of the petitioner that the conclusion of the trial in the near future appears to be bleak, is totally devoid of any merit.

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

5. Prima face, the petitioner comes across as a habitual offender which is evident from the number of similar cases in which he is involved. As per the instructions received by the learned State counsel, the trial has been proceeding at a reasonably good pace. There are serious allegations levelled against the petitioner. In the facts and circumstances as enumerated hereinabove, this Court does not deem it fit to extend the concession of bail to the petitioner.

6. Accordingly, the instant petition is hereby dismissed.

7. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

15.01.2024

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(MANJARI NEHRU KAUL)
JUDGE

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