

CRM-M-5178-2025

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-5178-2025
Reserved on: 06.03.2025
Pronounced on: 25.03.2025

Vinod Kumar ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Sehaj Sandhawalia, Advocate
for the petitioner.

Ms. Harpreet Kaur, AAG, Haryana.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
489	10.08.2018	Sector 31, District Faridabad	406, 420, 120-B IPC and 3 of Haryana Protection of Interest of Depositors in the Financial Establishment Act 2013

1. The petitioner apprehending arrest in the FIR captioned above has come up before this Court under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking anticipatory bail.
2. As per paragraph 10 of the status report, the accused has the following criminal antecedents:

Sr. No.	FIR No.	Date	Offenses	Police Station
1	111	2018	406, 420, 120-B, 204 IPC and 3 of Haryana Protection of Interest of Depositors in financial Establishment Act 2013	Sector 31, Faridabad
2	114	2018	406, 420, 120-B, 204 IPC and 3 of Haryana Protection of Interest of Depositors in financial Establishment Act 2013	Sector 31, Faridabad
3	117	2018	406, 420, 467, 468, 471, 120-B, 204 IPC and 3 of Haryana Protection of Interest of Depositors in financial Establishment Act 2013	Sector 31, Faridabad

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4	121	2018	406, 420, 120-B IPC and 3 of Haryana Protection of Interest of Depositors in financial Establishment Act 2013	Sector Faridabad 31,
5	122	2018	406, 420, 120-B IPC and 3 of Haryana Protection of Interest of Depositors in financial Establishment Act 2013	Sector Faridabad 31,
6	123	2018	406, 420, 120-B, 506 IPC and 3 of Haryana Protection of Interest of Depositors in financial Establishment Act 2013	Sector Faridabad 31,
7	205	2018	406, 420, 120-B, 204 IPC and 3 of Haryana Protection of Interest of Depositors in financial Establishment Act 2013	Sector Faridabad 31,
8	206	2018	406, 420, 120-B, 204 IPC and 3 of Haryana Protection of Interest of Depositors in financial Establishment Act 2013	Sector Faridabad 31,
9	213	2018	406, 420, 120-B, 204 IPC and 3 of Haryana Protection of Interest of Depositors in financial Establishment Act 2013	Sector Faridabad 31,
10	214	2018	406, 420, 120-B, 467, 468, 471, 204 IPC and 3 of Haryana Protection of Interest of Depositors in financial Establishment Act 2013	Sector Faridabad 31,
11	215	2018	406, 420, 120-B, 467, 468, 471, 204 IPC and 3 of Haryana Protection of Interest of Depositors in financial Establishment Act 2013	Sector Faridabad 31,
12	216	2018	406, 420, 467, 468, 471, 120-B, 204 IPC and 3 of Haryana Protection of Interest of Depositors in financial Establishment Act 2013	Sector Faridabad 31,
13	217	2018	406, 420, 467, 468, 471, 120-B, 204 IPC and 3 of Haryana Protection of Interest of Depositors in financial Establishment Act 2013	Sector Faridabad 31,
14	231	2018	406, 420, 120-B, 467, 468, 471, 204 IPC and 3 of Haryana Protection of Interest of Depositors in financial Establishment Act 2013	Sector Faridabad 31,
15	273	26.04.2018	406, 420, 120-B IPC and 3 of	Sector 31,

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			Haryana Protection of Interest of Depositors in the Financial Establishment Act 2013 (Section 467, 468 added later on)	Faridabad
16	260	2018	406, 420, 120-B, 467, 468, 471, 204 IPC and 3 of Haryana Protection of Interest of Depositors in financial Establishment Act 2013	Sector 31, Faridabad
17	238	2018	406, 420, 120-B, 467, 468, 471, 204 IPC and 3 of Haryana Protection of Interest of Depositors in financial Establishment Act 2013	Sector 31, Faridabad
18	542	2018	406, 420, 120-B, 467, 468, 471, 204 IPC and 3 of Haryana Protection of Interest of Depositors in financial Establishment Act 2013	Sector 31, Faridabad
19	43	2019	406, 420, 120-B, 467, 468, 471, 204 IPC and 3 of Haryana Protection of Interest of Depositors in financial Establishment Act 2013	Sector 31, Faridabad
20	153	2019	406, 420, 120-B, 467, 468, 471, 204 IPC and 3 of Haryana Protection of Interest of Depositors in financial Establishment Act 2013	Sector 31, Faridabad
21	200	2019	406, 420, 120-B IPC and 3 of Haryana Protection of Interest of Depositors in financial Establishment Act 2013	Sector 31, Faridabad
22	51	2019	406, 420, 120-B, 467, 468, 471, 204 IPC and 3 of Haryana Protection of Interest of Depositors in financial Establishment Act 2013	Sector 31, Faridabad
23	542	2019	406, 420, 120-B, 467, 468, 471, 204 IPC and 3 of Haryana Protection of Interest of Depositors in financial Establishment Act 2013	Sector 31, Faridabad

3. The facts and allegations are being taken from the reply filed by the State, which reads as follows:

“That the brief facts of the present case are that a complaint was

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submitted by complainant Savitri Dhaiya against M/s SRS Retreat Services Ltd., Anil Jindal, Bhagwat Dayal, Nanak Chand, Rajesh Singla, Bhishan Bansal, Naresh Goyal, Geeta Singh, all Directors of M/s SRS Retreat Services Ltd., M/s Lucra Jewels Pvt. Ltd., Naresh Goyal son of Prem Chand, Neeraj Gupta, Amit Goyal, Karan Yadav, Sandeep Mittal, Suresh Kumar Gupta, all Directors of M/s Lucra Jewels Pvt. Ltd., M/s Standard Portfolio Pvt. Ltd. Through its Director Suresh Kumar Gupta, Madhu Gupta wife of Suresh Kumar Gupta and Gaurav Gupta with the allegations that the aforesaid accused persons induced the complainant with lucrative proposal of heavy discounts in a project at Ballabgarh and by showing that huge profit would be made if the complainant invested the amount in the said project and they also gave proposal to invest in the project situated at 26A Lajpat Nagar, New Delhi. Thus, the complainant agreed to make investment in the project of Lajpat Nagar, New Delhi and on the instructions of aforesaid accused persons, the complainant paid Rs. 3,45,00,000/- to M/s Lucra Jewellers Pvt. Ltd. which is subsidiary company of SRS group. The accused persons had also assured that till the property is constructed, the complainant would be entitled for 12% per annum interest on the aforesaid amount and also handed over five post dated cheques. But neither land was given nor their hard earned money was returned and even the cheques given by the accused persons were got dishonoured. Prayer was made for taking legal action. Thereupon, the above mentioned FIR No. 489 dated 10.08.2018 u/s 406, 420, 120-B IPC and Section 3 Haryana Protection of Interest of Depositors in financial Establishments Act 2013 registered at P.S. Sector-31, Faridabad.”

4. The petitioner's counsel submits that petitioner was not even an employee or director of the company “SRS Retreat Services Ltd.” which as per allegations has issued the cheques to defraud the complainant. Petitioner seeks bail on parity with one Bhagwan Dass Gupta who had already been granted bail by this Court. Counsel prays for bail by imposing any stringent conditions and contends that further pre-trial incarceration would cause an irreversible injustice to the petitioner and their family.

5. The State’s counsel opposes bail and refers to the reply.

6. It would be appropriate to refer to the following portions of the reply, which read as follows:

“That the role of the petitioner Vinod Kumar in the present case is that he was the Whole Time Director and Key Managerial Person of M/s SRS Ltd. (parent company of M/s Lucra Jewellers Pvt. Ltd.) from 25.02.2002 to 23.06.2017. The petitioner has given his personal guarantee in the loan of Rs. 835 crore which has been obtained by SRS Ltd. company from State Bank of India. The balance sheet of M/s SRS Ltd. company also bears the signatures of the petitioner. The amount of Rs. 33,74,210/- has been found to be credited in the account no. 82202200062523 (Canara Bank) of the petitioner from M/s SRS Ltd. and the amount of Rs. 2 crores has been

credited in the account of the petitioner from the accounts of the other companies of SRS Group.”

REASONING:

7. The petitioner has complied with the order passed by this Court and had declared his assets. Petitioner was the director of the parent company as per State reply. Petitioner was arrested in another FIR but the investigator failed to take the petitioner in custody in this case so petitioner is entitled to bail.

8. Pre-trial incarceration should not be a replica of post-conviction sentencing. The evidence might be prima facie sufficient to launch prosecution or to frame charges, but this Court is not considering the evidence at that stage but is analyzing it for the stage of anticipatory bail. An analysis of the above does not justify custodial interrogation or pre-trial incarceration.

9. Given the above, the penal provisions invoked coupled with the prima facie analysis of the nature of allegations and the other factors peculiar to this case, there would be no justifiability for custodial interrogation or the pre-trial incarceration at this stage. Without commenting on the case's merits, in the facts and circumstances peculiar to this case, and for the reasons mentioned above, the petitioner makes a case for bail.

10. Given above, provided the petitioner is not required in any other case, the petitioner shall be released on anticipatory bail in the FIR captioned above subject to furnishing bonds to the satisfaction of the Arresting Officer, and if the matter is before a Court, then the concerned Court and due to unavailability before any nearest Ilqa Magistrate/duty Magistrate. Before accepting the surety, the concerned Officer/Court must be satisfied that if the accused fails to appear, such surety can produce the accused.

11. While furnishing a personal bond, the petitioner shall mention the following personal identification details:

1.	AADHAR number	
2.	Passport number (If available) and when the attesting officer/court considers it appropriate or considers the accused a flight risk.	
3.	Mobile number (If available)	
4.	E-Mail id (If available)	

12. This order is subject to the petitioner’s complying with the following terms.

13. The petitioner is directed to join the investigation within seven days of uploading this order on the official webpage of the High Court of Punjab and Haryana and as and when called by the Investigator. The petitioner shall be in deemed custody for Section 27 of the Indian Evidence Act, 1872/ Section 23 of BSA, 2023. The petitioner shall join the investigation as and when called by the Investigating Officer or any Superior Officer and

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shall cooperate with the investigation at all further stages as required. In the event of failure to do so, the prosecution will be open to seeking cancellation of the bail. During the investigation, the petitioner shall not be subjected to third-degree, indecent language, inhuman treatment, etc.

14. The petitioner shall abide by all statutory bond conditions and appear before the concerned Court(s) on all dates. The petitioner shall not tamper with the evidence, influence, browbeat, pressurize, induce, threaten, or promise, directly or indirectly, any witnesses, Police officials, or any other person acquainted with the facts and circumstances of the case or dissuade them from disclosing such facts to the Police or the Court.

15. In case the Investigator/Officer-In-Charge of the concerned Police Station arraigns another section of any penal offense in this FIR, and if the new section prescribes a maximum sentence that is not greater than the sections mentioned above, then this bail order shall be deemed to have also been passed for the newly added section(s). However, suppose the newly inserted sections prescribe a sentence exceeding the maximum sentence prescribed in the sections mentioned above; then, in that case, the Investigator/Officer-In-Charge shall give the petitioner notice of a minimum of seven days, providing an opportunity to avail the remedies available in law.

16. This bail is conditional, and the foundational condition is that if the petitioner indulges in any non-bailable offense, the State may file an application for cancellation of this bail before the Sessions Court, which shall be at liberty to cancel this bail.

17. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.

18. A certified copy of this order would not be needed for furnishing bonds, and any Advocate for the Petitioner can download this order along with case status from the official web page of this Court and attest it to be a true copy. If the attesting officer wants to verify its authenticity, such an officer can also verify its authenticity and may download and use the downloaded copy for attesting bonds.

19. Petition allowed in terms mentioned above. All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

25.03.2025
anju rani

Whether speaking/reasoned: Yes
Whether reportable: No.