



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

214

CRM-M-7909-2025
Decided on: 08.05.2025

SAMEER H. KHAN

.....Petitioner

Versus

STATE OF HARYANA AND ANR

.....Respondent

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. Mohit Khatkar, Advocate for
Mr. Rahul Deswal, Advocate for the petitioner.

Mr. Surender Singh Pannu, Addl. A.G., Haryana.

SANJAY VASHISTH, J.

1. Prayer in this petition, filed under Section 482 of the BNSS, 2023, is for grant of anticipatory bail to the petitioner, who has been booked in a criminal case arising out of First Information Report, as detailed hereunder:-

Name of Petitioner (s)	FIR No.	Date	Section(s)	Police Station	District
Sameer H. Khan	225	20.04.2024	406, 420, 120-B IPC	Faridabad, Kotwali	Faridabad

2. On 11.02.2025, following order was passed:-

“1. Prayer in this petition, filed under Section 482 of the BNSS, 2023 (earlier Section 438 Cr.P.C.) is for grant of anticipatory bail to the petitioner, who has been booked in a criminal case arising out of First Information Report, as detailed hereunder:

<i>Name and age of petitioner(s)</i>	<i>FIR No.</i>	<i>Date</i>	<i>Section(s)</i>	<i>Police Station</i>	<i>District</i>
<i>Sameer H.</i>	<i>225</i>	<i>20.04.2024</i>	<i>406,420,</i>	<i>Faridabad</i>	<i>Faridabad</i>



Khan, Age 40 years			120-B IPC	Kotwali	
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2. While referring the list of Directors and Share Holdings Pattern dated 22.12.2021, Mr. Rahul Deswal, learned counsel for the petitioner submits that co-accused of the petitioner, namely; Kalinda Chandrakant Kedar, is having 99% share holding, whereas, petitioner is having only 1% share holding in the company i.e. ‘Universe Mines Pvt. Ltd.’. In fact, the petitioner is retained in the said company only for the purpose of documents execution work.

3. Counsel submits that complainant – Naveen Kumar, Proprietor of M/s Naveen Metals, contacted the petitioner (Sameer H. Khan) and Kalinda Chandrakant Kedar (co-accused) and placed an order for purchasing 25 tone of GP Coil from the accused Company. As per the allegations, the advance amount of Rs.10.00 lacs was transferred in the accused Company’s account on 17.02.2022 through RTGS. When the material was not supplied, complainant insisted for returning of the amount, and thereupon, a cheque bearing No. ‘000025’, dated 15.03.2022, of Rs.10.00 lacs, drawn at IDFC First Bank, in favour of the complainant was issued. Said cheque was dishonoured on account of “**Payment Stopped**”. After a period of about two years, complainant got lodged the present FIR, which in fact, is a civil dispute. Thus, the dispute in the present FIR is in regard to the alleged amount of Rs.10.00 lacs, which had been transferred by the complainant firm in the account of the accused company.

Further submits that subsequently, co-accused/main accused ‘Kalinda Chandrakant Kedar’ was arrested and due to affecting of some compromise between them, an amount of Rs.5.00 lacs was paid immediately in cash, to the complainant. For making the payment of another set of amount of Rs.5.00 lacs, a cheque for the said amount was also issued, however, the same also got bounced.

Thus, counsel submits that petitioner having only 1% of share holding, is not responsible for the company’s fault. However, signing the cheques and being appointed to perform the duties on behalf of the company, is obligation over him, which he has to perform. It is not the allegation that the amount deposited by the complainant has been withdrawn by the petitioner alone or he has earned benefit in any manner. Thus, submits that now the dispute being only in respect of the balance amount of Rs.5.00 lacs, which has to be paid to the complainant by the accused company, and same is likely to be resolved in near future.

4. Learned counsel for the petitioner also refers to the order dated 07.02.2024 (Annexure P-9), passed in CRM-M-7239-2024, titled as, “Sameer Khan v. State of Haryana” and submits that in compliance to the said order, he is unable to join the proceedings before the trial Court, as the apprehension is there of he being arrested in the present case.

Thus, prays for grant of concession of anticipatory bail to the petitioner in the present case.

5. Notice of motion.



6. *On advance notice, learned State counsel puts in appearance on behalf of the respondent – State, and seeks some time to respond to the submissions addressed by learned counsel opposite, after seeking instructions. And, in case of necessity, to file status report.*

7. *Adjourned to 02.04.2025.*

8. *In the meanwhile, the petitioner is directed to join the investigation as and when required to do so by the Investigating Agency. In the event of his arrest, the petitioner shall be released on ad-interim bail, subject to his furnishing bail bonds to the satisfaction of the Arresting Officer. The petitioner shall also be abide by all the conditions laid down under Section 482(2) of BNSS, 2023 (earlier Section 438(2) Cr.P.C.).*

9. *Besides, the petitioner would submit/surrender his passport before the Arresting Officer and an undertaking on oath that in case of leaving the Country, he would seek prior permission from the Investigating Agency/concerned Court.*

10. *To be heard along with CRM-M-7239-2025.”*

3. Learned counsel for the petitioner submits that in compliance of order dated 11.02.2025 passed by this Court, the petitioner has joined the investigation, and has fully co-operated, thus, prays for confirmation of the interim bail order.

4. Learned State counsel on instructions, confirms the said averment and submits that the custodial interrogation of the petitioner would not be required now for the purpose of investigation.

5. Heard learned counsel for the parties.

6. Since, the petitioner has joined the investigation and custodial interrogation is no more required, interim order dated 11.02.2025 passed by this Court is hereby made absolute. Present petition is thus allowed.

However, petitioner shall continue to join the investigation as and when required to do so and abide by all the terms and conditions laid down under Section 482(2) of BNSS, 2023.

Besides, it is directed that petitioner would hand over his passport to the Investigating Agency or to Court concerned, if he

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possesses. Otherwise, HE would submit an affidavit, disclosing the fact that he does not possess any passport.

It is also directed that before leaving country any time during trial, petitioner would seek prior permission of the Court.

It is further made clear that if in future petitioner is found indulged in similar kind of activities, prosecution would be at liberty to seek cancellation of bail in the present case.

7. Accordingly, petition stands disposed of.

(SANJAY VASHISTH)
JUDGE

May 08, 2025
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Whether Speaking/Reasoned: **YES/NO**
Whether Reportable: **YES/NO**