



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

229

CRM-M-14841-2025

Date of decision: 21st May, 2025

Shoounak Marhia

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. G.P.S. Ghuman, Advocate for the petitioner.

Ms. Pooja Nayar Sharma, Deputy Advocate General, Punjab.

Ms. Jyoti Chaudhary, Advocate for the complainant.

MANISHA BATRA, J (ORAL):-

The present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') by the petitioner seeking grant of regular bail in case bearing FIR No. 173 dated 24.12.2018 registered under Sections 406, 420 and 120-B of IPC at Police Station Phase 11, District SAS Nagar, Punjab.

2. As per the allegations, the petitioner along with the co-accused Mahesh Maria had approached the complainant in the month of January, 2018 and by representing that they were directors of one M/s Arihantam International Technology Limited (for short, '*the company*'), they allured the complainant to make investment in the company, which was stated to be engaged in the business of solar project, renewable energy products and commodities of reputed brands in India by saying that the complainant



would be fetching handsome profits. They also assured the complainant to refund the invested amount in case of any default. On being so induced by the petitioner and the co-accused Mahesh Marhia, the complainant agreed to make investment in the company and an agreement was executed between them. An amount of Rs. 5,00,000/- was given by the complainant to them by way of cheque. However, the complainant subsequently, realised that he had been duped of that amount and hence, prayed for taking action in the matter.

3. On the complaint as lodged by complainant, the aforementioned FIR was registered. Investigation proceedings were initiated. The petitioner was arrested on 25.10.2024. The co-accused Mahesh Marhia, who was already in custody in connection with some other case was joined into investigation by issuance of production warrants and was produced before the Court on 31.01.2019. Investigation stands completed and challan report under Section 193 of the BNSS has been filed.

4. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. Subject offences are triable by Magistrate. He has a permanent abode. There are no chances of his absconding. His further incarceration would not serve any useful purpose. He is on bail in other cases registered against him. His involvement in other cases cannot be considered to be a reason for rejecting his prayer for grant of bail. With these broad submissions, it is urged that he deserves to be released on bail.

5. Status report has been filed by respondent-State. It is argued by learned Deputy Advocate General, Punjab, that there are serious and specific allegations against the petitioner. The petitioner himself had issued a cheque



for a sum of Rs. 5,00,000/- in favour of the complainant and the same had been dishonored. His complicity in the crime stands *prima facie* established. There are chances of his absconding or intimidating the witnesses, if extended benefit of bail. He has criminal antecedents. Therefore, it is urged that the petition does not deserve to be allowed.

6. Rival contentions raised by learned counsel for the parties have been considered.

7. The petitioner in connivance with the co-accused is alleged to have duped the complainant of a sum of Rs. 5,00,000/- and caused wrongful loss to him. He is involved in five more cases of similar nature but is stated to be on bail, in those cases. He is in custody since 25.10.2024. Investigation stands concluded. Trial will take considerable time even charges have not been framed so far. His involvement in other cases cannot be considered to be a sole ground for denying benefit of bail to him. Subject offences are triable by Magistrate. Keeping in view the period of incarceration of the petitioner, the nature of the subject offences and the attendant facts and circumstances of the case but without meaning to make any comment on the merits thereof, I am of the considered opinion that the petition deserves to be allowed. Hence, the same is allowed and the petitioner is ordered to be released on bail subject to his furnishing personal/surety bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned and further subject to his abiding by the following conditions:-

- (i) He shall not make any contact with the complainant or other material witnesses during the pendency of trial.



- (ii) He shall disclose his present as well as permanent address before the learned trial Court.
- (iii) He shall not leave the country without permission of the trial Court.
- (iv) He shall also give copy of his Aadhar Card, PAN Card if any and details of his mobile phone number(s) to the learned trial Court and in case, any change in his address or mobile phone number(s) takes place, then he shall inform about the same to the learned trial Court.

8. However, it will be open for the prosecution to apply for cancellation of bail in case the petitioner is found involved in any other subsequent case.
9. Since the main petition has been allowed, pending application, if any, is rendered infructuous.

[MANISHA BATRA]
JUDGE

21st May, 2025
Parveen Sharma

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| 1. Whether speaking/ reasoned | : | Yes / No |
| 2. Whether reportable | : | Yes / No |