



CRM-M-16363-2025

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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-16363-2025

Reserved on: 22nd May, 2025Pronounced on: 28th May, 2025

Sandeep Kumar

...Petitioner

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Ashwain Vaish, Advocate and
Mr. Rajesh Malik, Advocate for the petitioner.

Ms. Sheenu Sura, Deputy Advocate General, Haryanan.

Mr. Arun Kumar, Advocate for respondent No.2.

MANISHA BATRA, J :-

The instant one is the third petition for grant of pre-arrest bail as filed by the petitioner in case FIR No. 72 dated 23.03.2023 registered under Sections 420 and 406 of IPC at Police Station Industrial Area, Bhiwani. The first petition bearing CRM-M-45019-2024 was dismissed as withdrawn, whereas, second petition bearing CRM-M-8263-2025 had been dismissed by passing a detailed order, vide order dated 05.03.2025.

2. As per the allegations, the petitioner, who was one of the directors of company named as Indigrow Network Pvt. Ltd. (for short, '*the company*') and its other directors, had induced the complainant to take distributorship of products of their company by representing that he would be fetching huge profits. The complainant was also induced to let his



premises hired by the company for running business of distribution of its products. The complainant let out his premises to the company and invested huge amount of money, however, neither the distributorship was given to him nor rent was paid. The money invested by him had also not been returned and wrongful loss was caused to him. The petitioner was nominated as an accused along with other directors of the company. Investigation is still underway.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. Ingredients of offences of cheating and criminal breach of trust, have not been made out against him at all. The dispute between the parties is of civil nature, which is given a criminal color. The complainant had concealed several material facts at the time of lodging of the FIR. In fact, he had filed a complaint on 27.01.2021, which was duly inquired into and was ordered to be closed. Another complaint on similar allegations was filed on 03.02.2022 and a report Annexure P-6 was prepared. The petitioner had joined investigation in pursuance of order passed by the Court of Additional Sessions Judge on 20-08-2024, but vide order dated 27-08-2024, his petition was dismissed. He is a heart patient. He had suffered a heart attack on 23-09-2024. The co-accused has been extended benefit of pre-arrest bail. The complainant is alleged to have given a sum of Rs. 23,38,000/- via bank transfer and Rs. 3,00,000/- in cash to the company/petitioner. In fact, an amount of Rs. 10,00,000/- was paid by one Yashoda Kauri, who did not prefer any complaint against the petitioner. Out of amount of Rs. 13,38,000/-, the petitioner had paid a sum of Rs. 8,71,450/- to the complainant, but this fact was suppressed by him at the time of filing



complaint on 03-02-2022. He had also returned a sum of Rs. 4,19,000/- to Yashoda Kauri out of Rs. 10,00,000/- before registration of FIR. No money is to be recovered from the petitioner. As such, his custodial interrogation is not required. No purpose would be served by detaining him. No recovery is to be effected. Therefore, it is urged that the petition deserves to be allowed.

4. Status report has been filed. Learned Deputy Advocate General, Haryana, assisted by learned counsel for the complainant, has submitted that the petitioner is a habitual offender. He has committed serious offenses. He was rightly denied concession of pre-arrest bail. No new and substantive ground has been made out for grant of pre-arrest bail to the petitioner, who is avoiding his arrest since long. It is, therefore, argued that the petition does not deserve to be allowed.

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

6. The allegations against the petitioner are that he, along with the co-accused, had induced the complainant to part with a sum of Rs. 23,38,000/- by alluring him that distributorship of products of company would be given to him. The petitioner had also made the complainant let out his premises for the purpose of distributorship, but did not pay any rent to him. The money invested by him had also not been returned. The previous petition, as filed by the petitioner, had been dismissed vide order dated 05.03.2024, after making a detailed discussion. The contentions as raised in this petition had not been raised at that time. The petitioner has placed on record a copy of some inquiry report, which had been conducted prior to lodging of FIR. The observations made in that inquiry cannot be considered



at this stage. The plea that he had paid an amount of Rs. 8,71,450/- to the complainant has not been supported by any document. Neither the plea that amount of Rs. 10,00,000/- was paid to him by one Yashoda Kauri and some amount out of the same stands returned. The previous petition, as filed by the petitioner, had been dismissed by passing a detailed order and taking into consideration all the contentions raised by him. There is no substantive or specious change in the circumstances from the date of dismissal of the previous petition as filed by the petitioner. It is also well settled that there must be drastic change during the period between two applications for the successive application to be allowed, which is not the position in this case. As such, I see no ground to allow the petition. Accordingly, the same is dismissed.

7. It is, however, clarified that the observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

8. Since the main petition has been dismissed, pending application, if any, is rendered infructuous.

[MANISHA BATRA]
JUDGE

28th May, 2025

Parveen Sharma

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