



203

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

**CRM-M-31604-2025 (O&M)
DATE OF DECISION :16.06.2025**

BASANT SAI**.....PETITIONER(s)****VERSUS****STATE OF HARYANA****.....RESPONDENT(s)****CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL**

Present: Mr. Manish Verma, Advocate for the petitioner(s).
(through Hybrid Mode)

Mr. Chetan Sharma, DAG, Haryana.

Ms. Shaveta Sanghi, Advocate for the complainant.
(through Hybrid Mode)

SANDEEP MOUDGIL, J (ORAL)**1. Prayer**

This petition has been filed under Section 482 of BNSS, 2023 (438 Criminal Procedure Code) for grant of anticipatory bail in FIR No. 420 dated 21.10.2024, P.S SIRSA SADAR, Haryana, under Section 120-B, 406,420,506 read with Section 34 of IPC.

2. Prosecution story set up in the present case as per the version in the FIR reads as under :-

‘To Superintendent of Police, Sirsa. Subject: Regarding issuing orders to take legal action against the company's owners Vasant Sai and Dhruvraj Godara. Sir, the applicant makes the



following request to you that the applicants Vipin son of Hari Singh, Anil Kumar son of Vinod Rama Kanta son of Bhagwan Dutt, Ramswaroop son of Amar Singh resident of Madhosinghana tehsil and district Sirsa and Virendra Kumar son of Gopi Ram resident of Gigorani Suman wife of J Kumar resident of Nejia Kheda and we all had deposited demand draft in GLOBAL SOLAI ENTERPRISES for installing solar pump under PM KUSIM YOJNA, but despite this this company did not instal the solar pump nor returned the money. When the ownes of this company Vasant Sai and Dhruvraj Godara were tilked to, they just kept giving dates. After this, we all lodged report with ECONEMIC CELL, due to which Dhruvraj Godara called a Panchayat in Madhosir.ghana village, sut Vasant Sai did not come to the Panchayat, so Dhruvraj (odara said that I accept the decision of the Panchayat on bhalf of Vasant Sai. After this, the village sarpanch and all the respected members present in the Pancnayet settled the matter for 11 lakhs, in exchange for which Dhruvraj gave two cheques of his own, whose cheque number 0081 is for Rs. 5,50,000 and the second cheque number 0082 is for Rs. 5,50,000. It was decided to pay in two installments, but he did not give any money in the stipulated time, nor did he return it and did not even answer anyone's phone, all other papers are deposited in DOCUMENT ECONEMIC CELL. Therefore, it is requested to you that after investigating the above matter, strict legal action should be taken against the culprits and we snould get justice and our money back. We would be highly grateful to you. Applicants Vipin son of Hari Singh, Anil Kumar son of Vinod, Rama Kanta son of Bhagwan Dat, Ramswaroop son of Amar Singh, Virendra Kumar son of Gopi Ram Suman wife of Raj Kumar, resident of Madhosinghana tehsil and district Sirsa, Mobile: 9255050001 appeared today dated 16.09.24, at Police Station Hasb Amad, with one complaint no. 761 written by Vipin son of Hari Singh, resident of village Madhosinghana, against Basant Sai, Director, Global Solar Enterprises and Dhruvraj Godara son of Shivkaran Godara, R/o, Jakhadanwali tehsil, Pilibanga, District Hanumangarh, the complainant deposited a demand draft (DD) of Rs 853000/ in the bank account of the firm



in lieu of installing a solar pump, and by doing fraud by not installing the solar pump with malafide intention, the deposit was taken from the complainant. On receipt of the complaint and investigation report about defamation and threat to kill from Economic Offences Branch Sirsa through Post Police Station, the application and investigation report was found by Economic Offences Branch Sirsa to be a crime under Section 420/406/34/1208/506 IPC, and a regular case No. 420 dated 21.10.2024 under Section 420/406/34/1208/506 IPC was registered at Police Station Sadar Sirsa and is being sent by post to through ASI Vijendra Singh 84/FBD Incharge Police Post for further action. Computerised copies of the FIR will be prepared and sent to the service of through Post to Illaqa Magistrate and higher Officer.

3. Contentions

On behalf of the petitioner

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present FIR, which appears to have been registered with mala fide intentions and ulterior motives on the part of the complainant. The co-accused, Mr. Dhruvraj Godara, was acting as the authorised representative (attorney) of the petitioner's firm, M/s Global Solar Enterprises, and was independently handling all business affairs. He submits that the allegations pertain to the non-installation of solar pumps and non-refund of an amount of ₹11,00,000/-. However, the petitioner neither received the said amount nor had any involvement in the alleged transactions. A bare perusal of the FIR reveals that no specific role has been attributed to the petitioner. He never visited the complainant's village, nor did he issue any cheques signed in his personal capacity. He further submits that the FIR is also vitiated by an inordinate and unexplained delay of



more than 4.5 years as the alleged incidents are said to have occurred between 28.01.2019 and 18.06.2019, the FIR was lodged much later, on 21.10.2024. Learned counsel for the petitioner undertakes that the petitioner is ready and willing to join the investigation and cooperate with the investigating officer.

Notice of motion.

On behalf of the State and counsel for the complainant

Learned State Counsel appearing on advance notice on instructions from Investigating officer vehemently opposes the prayer for grant of concession of anticipatory bail by filing status report dated 15.06.2025 by way of affidavit of Adarshdeep Singh, HPS, Deputy Superintendent of Police Sirsa, which is taken on record.

They have submitted that the petitioner, in connivance with the co-accused has defrauded innocent villagers under the pretext of installing solar pumps. It is contended that, having been misled by the representations made by the accused persons, the complainant and other villagers collectively paid an amount of ₹11,00,000/-. It is further submitted that out of the aforesaid amount, a sum of ₹6,72,000/- was credited to the bank account of the firm M/s Global Solar Enterprises whose sole proprietor is the petitioner.

4. **Analysis**

Be that as it may, after given a thoughtful consideration to the submissions as made, by the counsel for both the parties the Court is of the view that the present FIR has arisen out of a contractual obligation, there is unexplained delay of 4.5 years in lodging the FIR, moreso, no specific role has been attributed to the petitioner, hence, this Court finds no reason to deny the petitioner the concession of anticipatory bail,



wherein the petitioner has bona fide intentions and is willing to join the investigation and cooperate for furtherance of the same so that the final report can be submitted by the Investigating Agency within the stipulated time period.

5. **Relief**

Hence, in view of the admitted set of circumstances before this Court, the petitioner is hereby directed to be released on anticipatory bail subject to him joining investigation and reporting to the Investigating Officer concerned within a period of one week from today, on furnishing of personal/surety bonds to the satisfaction of Arresting/Investigating Officer. The petitioner shall also abide by the terms and conditions as envisaged under Section 482(2) of BNSS of which are reproduced below :-

‘When the High Court or the Court of Session makes a direction under sub-section (1), it may include such conditions in such directions in the light of the facts of the particular case, as it may think fit, including-

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court;

(iv) such other condition as may be imposed under sub-section (3) of section 480, as if the bail were granted under that section.’

However, it is made clear that in case the petitioner does not comply with the aforesaid direction of joining the investigation within one week, the order passed by this Court today shall automatically stand cancelled.

The petition in the aforesaid terms stand allowed.

(SANDEEP MOUDGIL)
JUDGE

16.06.2025
anuradha

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>