

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

**CRM-M No.38591 of 2024 (O&M)
Date of Decision: 16.01.2025**

Yogesh and another

..... Petitioners

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present:- Mr. Piyush Aggarwal, Advocate for the petitioners.

Mr. Ashok Singh Chaudhary, Addl. A.G., Haryana
for the respondent.

MAHABIR SINGH SINDHU, J.

Present petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 (*for short 'Cr.P.C.'*) seeking pre-arrest bail to the petitioners in FIR No.694 dated 04.12.2022 (P-1), under Sections 420, 467, 468, 471, 120-B & 408 of the Indian Penal Code, 1860 (*for short 'IPC'*), registered at Police Station Sector 10A, Gurugram.

(2) Precisely, the allegations are that one Mahesh Gupta, who was working as Chartered Accountant with *de facto* complainant-K.K.Gandhi in

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his Company i.e. M/s Rahul Wires Ropes, has fraudulently withdrawn an amount of Rs.1.3 Crore through bank transactions.

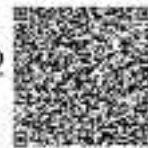
(3) Contends that main accused-Mahesh Gupta has already been granted the concession of bail pending trial by this Court vide order dated 13.02.2024 (P-5), passed in CRM-M-25182-2023. Also contends that co-accused Mansi Gupta & Luxmi Gupta have also been granted the concession of pre-arrest bail by this Court, vide order dated 22.11.2023 (P-6), passed in CRM-M-30332-2023. Further contends that there are no specific allegations against the petitioners; nor any amount has been received by them. Again contends that petitioners are ready to join the investigation and even on earlier occasions also, they joined the investigation. Lastly contends that custodial interrogation of the petitioners would not serve any purpose at this stage.

(4) *Per contra*, learned State Counsel vehemently opposed the prayer while submitting that both the petitioners are brothers of main accused-Mahesh Gupta; thus, their custodial interrogation is very much necessary to know the truth.

(5) Heard learned Counsel for the parties and perused the paper-book.

(6) It is not in dispute that Mahesh Gupta and his co-accused have already been granted the concession of regular bail/pre-arrest bail by this Court, vide order dated 13.02.2024 (P-5), passed in CRM-M-25182-2023 and order dated 22.11.2023 (P-6), passed in CRM-M-30332-2023.

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(7) From bare perusal of the FIR and/or affidavit filed by the police, there is no allegation leveled against either of the petitioners, except that they are the brothers of main accused-Mahesh Gupta.

Consequently, in the opinion of this Court, custodial interrogation of the petitioners would not serve any purpose.

(8) In view of above, present petition is allowed. Both the petitioners shall join investigation before the Investigating Officer. In the event of arrest, the Arresting Officer would admit them to interim bail in the present case on furnishing adequate bail and surety bonds to his satisfaction. The petitioners are also directed to abide by all the conditions as envisaged under Section 438(2) of Cr.P.C.

(9) The above observations be not construed as an expression of opinion on merits of the case; rather confined only to decide the present bail matter.

Pending application(s), if any, shall also stand disposed off.

16th January, 2025

Gagan

(MAHABIR SINGH SINDHU)
JUDGE

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