

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

105

CRM-M-38831-2025

Date of decision: 22nd July, 2025

Arjun Raju Ravichandran

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Siddharth Gupta, Advocate for the petitioner.

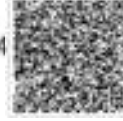
Mr. Apoorv Garg, Additional Advocate General, Haryana.

Mr. Manoj Sharma, Advocate for the complainant.

MANISHA BATRA, J (ORAL):-

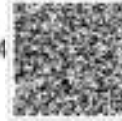
The present petition has been filed by the petitioner seeking grant of anticipatory bail in case bearing FIR No. 160 dated 06.12.2023 registered under Sections 120-B and 409 of IPC at Police Station DLF-II, Gurugram, Haryana.

2. The aforementioned FIR was registered on the basis of a complaint lodged by complainant Jude Reggie Franklin, authorized representative of M/s American Express Banking Corporation India Company against M/s Servpos Global E-services Pvt. Ltd. (for short, '*M/s Servpos company*') previously known as M/s Sarvtek IT Private Limited (for short, '*M/s Sarvtek company*') as well as its director i.e. the present petitioner on the allegations that an agreement was executed between the



complainant company with the company of the petitioner and as a part of contractual agreement, 1301 POS machines having worth of Rs. 1,20,51,163/- were entrusted to the company of the petitioner. The petitioner being director of the company had failed to return the machines so entrusted and committed criminal breach of trust. The complainant, therefore, prayed for taking action in the matter. After registration of FIR, investigation proceedings have been initiated and are underway. Apprehending his arrest the petitioner moved an application for grant of pre-arrest bail which has been dismissed by the court of learned Additional Sessions Judge, Gurugram vide order dated 15-07-2025.

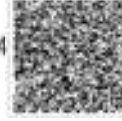
3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. He had been appointed as director of Ms/ Sarvtek company on 27-03-2017 and was subsequently appointed as director of M/s Servpos company on 17-09-2021. Under the agreement, his company was required to maintain proper records of all POS, terminals and return them to the complainant upon termination of the agreement. The complainant entered into a supplementary agreement with M/s Sarvtek company on 27.01.2022 to change the name of service provider to M/s Servpos company. All the existing contracts purchase orders etc. were assigned to M/s Servpos company. The petitioner had tendered his resignation from the post of director of M/s Sarvtek company and M/s Sarvpos company on 28.02.2022. This resignation was formally accepted by the board of directors of both the companies and had been officially recorded with the Ministry of Corporate Affairs. He had surrendered his access rights, email credentials and all forms of communication channels



related to both the companies and was not having any involvement either direct or indirect in the management, operation or decision making processes of either of the two companies with effect from 28.02.2022. However, he has still been implicated in this case. The ingredients for commission of subject offences have not been made out against him at all. He was not on the Board of either of the companies and had no control upon the affairs thereof since 28.02.2022 and therefore, could not be held liable either vicariously or directly for the affairs of the company or for wrongs done by it. He is ready to join the investigation. His custodial interrogation is not required. No recovery is to be effected from him. It is, therefore, argued by him that he deserves to be extended benefit of pre-arrest bail.

4. Notice of motion.

5. Learned State counsel has advance notice of the petition and is ready to argue the matter. Mr. Manoj Sharma, Advocate has also appeared on behalf of the complainant. Learned Additional Advocate General, Haryana, assisted by learned counsel for the complainant, has vehemently argued that there are serious and specific allegations against the petitioner, who in the capacity of director digitally signed another supplementary agreement on 03.03.2022, with the complainant company. This agreement shows that even after 03.03.2022, he was actively involved in the affairs of the company. The argument that he had resigned from the company has no force. There are serious allegations against the petitioner as well as the company as the property belonging to the complainant and entrusted to the petitioner and his company had been criminally misappropriated. For conducting thorough and proper investigation in the matter, custodial



interrogation of the petitioner is must. No extraordinary or exceptional circumstance is even otherwise made out in favour of the petitioner and he has taken the excuse of having resigned only to defeat the legal rights of the complainant. With these broad submissions, it is argued that the petition does not deserve to be allowed.

6. I have heard learned counsel for the parties at considerable length and have gone through the record carefully.

7. The petitioner, who was director of M/s Sarvtek company and then M/s Sarvpos company, is alleged to have been entrusted with 1301 POS machines, having value of Rs.1,20,51,163/-, as belonging to the complainant company and as per the terms of the agreement was bound to return the same. He is taking plea that he had resigned from the post of director of the accused company on 28.02.2022, but learned State counsel has placed on record a copy of supplementary agreement dated 03.03.2022, showing that he signed in the capacity of director of the co-accused company on that very day. The plea that he was not director as on that day cannot be looked into at this stage because of the circumstances as explained above. The allegations against the petitioner are serious in nature. For conducting a deeper probe and thorough investigation, custodial interrogation of the petitioner is must. The powers of anticipatory bail are extra ordinary and the same are to be exercised sparingly and in exceptional circumstances. The Court must be circumspect while exercising such power for grant of anticipatory bail and it should not be granted as a matter of rule and has to be granted only when the Court is convinced that exceptional circumstances exist to resort to that extra ordinary remedy. In the present case, no such exceptional circumstances



warranting exercise of the powers for grant of anticipatory bail by this Court are existing. Keeping in view the gravity of allegations as levelled against the petitioner, the quantum of sentence which the conviction may entail and the attendant facts and circumstances of the case, I am of the considered opinion that the petition does not deserve to be allowed. Accordingly, the same is dismissed.

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

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

[MANISHA BATRA]
JUDGE

22nd July, 2025
Parveen Sharma

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