IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

227 **CRM-M-60072-2024**
Date of decision: 14th January, 2025

Himanshu Panwar

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. V.S. Verma, Advocate for the petitioner.

Mr. Neeraj Poswal, AAG, Haryana.

Mr. Arun Kumar, Advocate for the complainant.

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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. 72 dated 23.03.2023 registered under Sections 420 of IPC (Section 406 of IPC added later on) at Police Station P.S. Industrial Area, Bhiwani, District Bhiwani, Haryana.

2. The aforementioned FIR was registered on the basis of a written complaint lodged by the complainant Sandeep Kaushik on the allegations that he was got introduced with the present petitioner, who was Director of one company namely Indigro Network Private Limited by his acquaintance Parveen. The petitioner, co-accused Sandeep Khewal and Preeti Ahuja, who were directors of the company induced him to take distributorship of the product of their company by representing that he would be fetching huge

profits by the same. They also allured him for giving his premises on rent for running business of distribution of their products on making payment of at the rate of Rs. 25,000/- per month. It was assured that he would be given 10% out of the profit. He was made to initially part with a sum of Rs. 3,00,000/- as token money by the petitioner and co-accused Sandeep and then cheques for different amounts of money were got deposited from him by the petitioner in the account of the company. He was given rent of the office premises for a period of three months only and then, the petitioner and other accused stopped paying the same. They also duped him of the amount got deposited by him and it was revealed that they had cheated him. They even closed their office. After registration of FIR, investigation proceedings were initiated. The co-accused Mamta and Preeti Ahuja were joined into investigation. The petitioner was arrested on 11.08.2024. He suffered disclosure statement admitting his involvement in the subject crime. No recovery was, however, got effected from him. Investigation stands concluded.

3. The present petition has been filed by the petitioner on the grounds and it is argued by his counsel that he has been falsely implicated in this case. He is in custody since 11.08.2024. There is delay of more than three years in lodging of the FIR. Infact, a civil dispute has been given a criminal colour. The petitioner was director of a private limited company and cannot be held criminally liable for financial losses suffered by the company or its stakeholder. The offences in question are triable by Magistrate. Trial will likely to take time. His further detention would not serve any useful purpose. Therefore, it is urged that he deserves to be

released on bail.

4. Mr. Arun Kumar, Advocate has put in appearance on behalf of the complainant and has filed his Memo of appearance.

5. Status report has been filed by the respondent-State. Learned Assistant Advocate General, Haryana assisted by learned counsel for the complainant has vehemently argued that there are serious allegations against the petitioner. Two more cases of similar nature have been registered against him. He is also facing complaints under Section 138 of Negotiable Instruments Act, 1881. He has even been declared a proclaimed person in one of such complaints. There are chances of his absconding or intimidating the witnesses, if extended benefit of bail. He induced the complainant to part with a huge amount of money by getting the same invested in his company and then misappropriating the same and causing loss to the complainant. With these broad submissions, it is urged that he does not deserve to be released on bail.

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

7. The petitioner who along with co-accused had floated a company is alleged to have induced the complainant to invest money in the company by alluring him to give distributonship of the said company. He is further alleged to have closed the said company in the year 2019 and misappropriating the amount deposited by the complainant and converted the same to his own use. Offences alleged against him are triable by Magistrate. The petitioner is in custody since 11.08.2024. Investigation stands concluded. Challan has been presented. Trial will likely to take time.

Custodial interrogation of the petitioner is not required. Pendency of other criminal cases is not a ground to deny benefit of bail to the petitioner. It is well settled proposition of law that bail is the rule and jail is an exception. Keeping in view the above discussed 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.

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

[MANISHA BATRA]
JUDGE

14th January, 2025
Parveen Sharma

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