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

**CRM-M-34407-2025
DECIDED ON: 07.07.2025**

RAJ KUMAR SHARMA

.....PETITIONER

VERSUS

STATE OF HARYANA

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. N.C. Kinra, Advocate for
Mr. Harsh Kinra, Advocate
for the petitioner.

SANDEEP MOUDGIL, J (ORAL)

1. Prayer

The jurisdiction of this Court has been invoked under Section 482 BNSS, 2023 for grant of anticipatory bail to the petitioner in FIR No.209, dated 11.06.2025, under Sections 316(2), 318(3), 318(4), 61(2) of BNS, 2023 registered at Police Station Sector-8, Faridabad.

2 Contention

On behalf of the petitioner

Learned counsel for the petitioner submits that the petitioner has no connection whatsoever with the firm to which the payment in question was made by the complainant. The said firm, M/s Vraj International, is solely owned and operated by the petitioner's son, who is its sole proprietor. It is further submitted that it was the petitioner's son who independently entered into the agreement or

understanding with the complainant for the supply of certain used machinery, and the alleged payment was made exclusively to him, Varun Kumar Sharma. The petitioner has neither received any amount nor has any sum been credited to his bank account, and as such, he is not a beneficiary in any manner. The petitioner undertakes, through counsel, that he is willing to fully cooperate with the investigation and shall appear before the investigating authorities as and when required.

Notice of motion.

On behalf of the State/complainant

On the asking of Court, Mr. Chetan Sharma, DAG Haryana, accepts notice on behalf of respondent/State. He prays for dismissal of the present petition stating that it was the petitioner, who gave an undertaking that his son namely Varun Kumar Sharma will return the said money as quickly as possible but Varun Kumar Sharma, co-accused has not paid the said amount so far to the complainant namely M/s Omax Auto Ltd.

Mr. Sukhandeep Singh, Advocate has put in appearance on behalf of the complainant and filed his vakalatnama, which is taken on record. He prays for dismissal of the present petition submitting that before the trial Court the petitioner and his son were together in the application seeking anticipatory bail and here they are trying to approach that both are individual legal entities, which is factually incorrect. He would also submit that an undertaking given before the trial Court that after selling of the machinery they will make good of the remaining amount, which was observed before the trial Court also to the effect that still 105 machinery are lying at the office/godown of the accused persons and they will make a payment to the complainant after selling the same.

3. **Analysis**

In the present case, the mere fact that the petitioner and his son jointly approached the trial Court does not render the petitioner liable for the actions of his son, who is the sole proprietor of M/s Vraj International and solely responsible for its operations, management, and day-to-day affairs. The undertaking given before the trial Court on 26.06.2025, stating that 105 machines lying in the godown would be sold and the remaining amount will be paid to the complainant, does not implicate the petitioner in any manner. Learned counsel for the petitioner has clarified that the undertaking was given with the assurance that the same would be complied with by the son of the petitioner namely Varun Kumar Sharma, as he alone is authorized to deal with the said machinery. The petitioner neither has any control over nor any authority to take possession of or sell the machinery in question.

In view of the above, and considering that the petitioner's involvement in the FIR arises solely on the account of the fact that he is the father of the main accused, Varun Kumar Sharma who is admittedly the sole proprietor of M/s Vraj International and the recipient of the payment made by the complainant the petitioner cannot be held criminally liable. There are no specific or direct allegations of cheating or fraud against the petitioner that would warrant his arrest or custodial interrogation.

In view of the above, this Court finds no cogent or compelling reason to deny bail to the petitioner, particularly when he has expressed bona fide intent, and has undertaken to join and cooperate with the investigation so as to enable timely submission of the final report by the Investigating Agency.

4. **Relief:-**

Hence, the petitioner is directed to be released on anticipatory bail subject to her joining investigation with the Investigating Officer concerned within a period of one week from today, on furnishing of personal/surety bonds to her satisfaction. The petitioner shall also abide by the terms and conditions as envisaged under Section 482(2) of BNSS, 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 a period of one week, the order passed by this Court today shall automatically stands cancelled.

In the aforesaid terms, the present petition stands allowed.

(SANDEEP MOUDGIL)
JUDGE

07.07.2025
Meenu

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No