

Dinbandhu Sharma Vs. State

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SooperKanoon Citation : sooperkanoon.com/696985

Court : Delhi

Decided On : Jul-19-2000

Reported in : 2000CriLJ4875; 2000(55)DRJ96

Judge : Dalveer Bhandari, J.

Acts : [Indian Penal Code \(IPC\), 1860](#) - Sections 120, 406, 409 and 420

Appeal No. : Crl. Misc. (M) No. 2076 of 2000

Appellant : Dinbandhu Sharma

Respondent : State

Advocate for Def. : Ms. Sima Gulati, Adv.

Advocate for Pet/Ap. : Mr. Shanti Bhushan, Sr. Adv. and; Mr. Rahul Gupta, Adv

Judgement :

ORDER

Dalveer Bhandari, J.

1. The petitioner is an accused in FIR No. 226/99 registered under Sections 420/406/409/120-B IPC. It is not disputed that the petitioner is in custody for more than 26 months (since 6th May, 1998).

2. Brief facts which are necessary to dispose of this petition are recapitulated as under :

A complaint was filed by Major General Ranjit Singh (complainant) with the Police Station Prasad Nagar, Delhi. In the complaint, it is alleged by the complainant that he was enticed by the Directors and officials of the Hoffland Group of Companies to deposit the money. It is also alleged that after maturity of deposits, repayments have not been made despite persistent demands, though he was given categorical assurance that the money would be refunded after the maturity of deposits. It is also alleged that like the complainant hundreds of other investors had deposited their life time savings with the Hoffland Group of Companies. In most cases neither the principal nor the interest amount has been refunded despite all kind of assurances. A number of FIRs have been lodged against the petitioner, against B.B. Sharma (Chairman & Managing Director) and others and they are pending in various courts all over the country.

3. In the petition, it is stated that the petitioner is a highly qualified young man of 28 years and is a victim of circumstances. It is further stated that the petitioner's relations were/are in the management of Hoffland Group of Companies and the petitioner was pursuing studies in Delhi, therefore, his relations had put him on the Board of Directors of one of the Group companies, namely, Hoffland Share Shoppe Ltd. It is mentioned in the petition that the appointment of the petitioner on the Board of Directors of this company was only symbolic and merely a gesture towards the petitioner. In fact the petitioner never participated in the day to day affairs or functioning of the company and was not concerned in any manner with this company. It is also mentioned that there are no specific allegations against the petitioner and no incriminating documents have been recovered by the police from the petitioner. It was also argued on behalf of the petitioner that he is languishing in jail for more than 26 months without trial and even the charge has not yet been framed. It is stated that the petitioner cannot be put behind bars indefinitely without trial. This clearly violates petitioner's constitutional and legal rights.

4. The petitioner moved the court of the learned ASJ and then this Court for the grant of bail but his bail applications were rejected.

5. Learned counsel for the petitioner submitted that the custody of the petitioner without trial is gross infringement of the fundamental rights of the petitioner. He also submitted that for the aforesaid offences, the petitioner can't be kept in custody without trial indefinitely.

6. Learned counsel for the petitioner stated that when the co-accused, K.C. Aggarwal has been granted bail then there seems to be no justification in detaining the petitioner. Learned counsel for the petitioner has drawn my attention to the orders passed by the Supreme Court in CrI. Writ. Petition No. 256/99 titled V.K. Sharma v. Union of India, decided on 28.3.2000 and some other cases of similarly placed accused. The Lordships of the Supreme Court released accused V.K. Sharma who had collected hundreds of crores from thousands of investors and hundred of FIRS and complaints are pending against him in various parts of the country, on the ground that the accused is in custody for about 16 months and cannot be kept in jail indefinitely without trial.

7. The Supreme Court in the said case directed that 'If the petitioner is arrested in connection with any criminal case in his capacity as Managing Director/Director of JVG Group of companies the arresting officer shall release him on bail on his executing a bond to the satisfaction of the arresting officer'.

8. It is submitted by learned counsel for the petitioner that in the case of V.K. Sharma, the Apex court released him on bail because he remained in jail for about 16 months, whereas, in the instant case the petitioner is behind bars for a period of over 26 months. The allegations against V.K. Sharma are much graver and serious in comparison to the allegations against the present petitioner. The judgment of the Apex Court has to be respected both in letters and spirits. While applying the ratio and principles underlined in the aforesaid order of V.K. Sharma passed by the Hon'ble Supreme Court this court is left with no option but to release the petitioner on bail. Accordingly, I direct that the petitioner shall be released on bail on following conditions:

i. On his furnishing a personal bond in the sum of Rs. 2 lakhs with two sureties in the like amount to the satisfaction of the trial court in FIR No. 226/98 under Sections 420/406/409/120 IPC registered at Police Station Prasad Nagar, Delhi.

ii. The petitioner shall surrender his passport with the trial court, if not already deposited.

iii. The petitioner shall not leave the National Capital Territory of Delhi without prior permission of the court unless he is required by any other court to remain present in any case.

iv. The petitioner shall not interfere with the investigation and trial of this case in any manner.

v. The petitioner shall not directly or indirectly intimidate, allure or influence the prosecution witnesses in any manner whatsoever.

9. It is however, abundantly made clear that in case the indulgence granted to the petitioner by this court is misused in any manner then the respondent would be at liberty to move this court for cancellation of the bail granted to the petitioner.

This petition is accordingly disposed of.

10. Dasti.