

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-52485-2024
Reserved on: 12.12.2024
Pronounced on: 19.12.2024

Pankaj Johar ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. G.S. Ghuman, Advocate
for the petitioner (through V.C.).

Mr. Sukhdev Singh, A.A.G., Punjab.

Mr. Gourav Verma, Advocate
for the complainant.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
0224	21.11.2023	Division No.8, District Police Commissionerate Ludhiana	406, 420, 465, 467, 468, 471, 120-B IPC

1. The petitioner apprehending arrest in the FIR captioned above has come up before this Court under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking anticipatory bail.
2. In paragraph 14 of the bail petition, the accused declares that he has no criminal antecedents.
3. The facts and allegations are being taken from the status report filed by the State, which reads as follows:-

“i. That a written complaint was submitted by an individual named Punit Arora, assigned UID No. 214273 dated 18.08.2023, alleging that Rohit Jain (CA), acting as the Chartered Accountant for the complainant's companies, abused his fiduciary position and manipulated financial decisions. It was further alleged that Rohit Jain, along with accomplices, enticed the complainant into investing approximately Rs. 20 crores through his companies, M/s Paramount Syntex Pvt. Ltd. and M/s K.K Impex, by presenting fabricated prospects and falsely claiming affiliations with FMCG

companies. The complaint alleged that non-existent business entities, a fictitious website, and false associations with Future Retail Group and Reliance Retail Ltd. were created as part of this scheme.

ii. That a second complaint was submitted by Rohit Jain and Kanika Jain to the Commissioner of Police, Ludhiana and the same was assigned UID No. 233678 dated 25.09.2023 wherein it was alleged that Abhishek Goyal, Bhagwan Das Goyal, Pankaj Johar (Petitioner), Sushant Singh Rajput @ Arvind Thakur, Meenu Chaudhary, Tarun, and Munish Mishra had lured the complainant into business transactions, with promises of lucrative deals with Future Group and Reliance Company. The complainant alleged that significant financial transactions were conducted, and substantial funds from the account of "Johar Karyana Store" were withdrawn and redirected by the accused for purposes of securing fictitious dealership agreements."

4. The petitioner's counsel prays for bail by imposing any stringent conditions and contends that further pre-trial incarceration would cause an irreversible injustice to the petitioner and their family.

5. The State's counsel opposes bail and refers to the reply.

6. It would be appropriate to refer to the following portions of the status report, which read as follows:

"Conclusions by SIT:

. The SIT, after a thorough investigation, concluded that all the accused individuals i.e. Rohit Jain, Kanika Jain, Ritu Jain, Sukhdev Kumar Goyal conspired to defraud the complainant i.e. Puneet Arora, of approximately Rs 9 crores. The investigative findings revealed a deliberate and intricate scheme wherein the accused, led by Rohit Jain, devised a façade of legitimacy by enticing the complainant to invest in lucrative FMCG and cosmetics ventures purportedly tied to major firms, such as the Future Group. Initially, small amounts were repaid to the complainant to build trust and encourage larger investments. Through various fabricated agreements, including vendor ship agreements with Future Group, the accused convinced the complainant that significant distributorship rights in multiple states could be obtained for an initial investment of Rs12 crore, promising substantial profits.

. The money trail disclosed that funds were channeled through the complainant's firms, primarily from M/s Paramount Syntex, into Pragati Industry, owned by Kanika Jain. From there, funds were transferred to other entities, notably Johar Karyana Store, managed by Pankaj Johar, and subsequently to M/s Shri Balaji Agency. A pattern emerged of funds being withdrawn either via ATMs or redirected to personal accounts from these intermediary firms, with no actual business with Future Group ever being conducted.

- Upon visiting Johar Karyana Store, the SIT observed that the establishment was a modest setup, incongruent with the high-value transactions purportedly processed through its accounts, further reinforcing the fraudulent intent behind these transactions.

. Additionally, the SIT verified with Future Retail that all vendor ship and distribution agreements presented by the accused were fabricated, invalidating the legitimacy of any business dealings. This multi-layered fraud involved forged documentation and false representations, creating an appearance of high-level business ventures that lured the complainant into investing under false pretenses.

11. ROLE OF THE PETITIONER

The petitioner, Pankaj Johar, played a critical role in the alleged financial fraud by using his firm, Johar Karyana Store, as a channel for transferring large sums from the complainant under the pretense of business expansion in the FMCG sector. Despite the limited scale of Johar Karyana Store, which is a modestly sized shop, it was used as a conduit for significant fund transfers that were then redirected to other entities, including Balaji Agency. This setup indicates that Johar Karyana Store was not simply conducting regular business but was integral to creating a façade for misleading transactions. Further, Johar Karyana Store is purported to have facilitated transactions amounting to an astonishing Rs. 41,24,67,846.20 in goods supplied to Pragati Industry alone. Given the store's modest operations, it is implausible that it could legitimately support such high-value transactions, suggesting that these were fabricated to mask the true nature of the financial dealings. The evidence strongly suggests that Pankaj Johar was part of a broader conspiracy to create fictitious transactions and misrepresent financial operations, making his involvement central to the scheme.

12. EVIDENCE AGAINST THE PETITIONER:

The evidence against the petitioner is substantial. An extensive analysis of bank transactions between Pragati Industry, Johar Karyana Store, and Balaji Agency has revealed a pattern of financial movements that support the allegations of a coordinated fraud. Funds initially advanced by the complainant's firm, M/s Paramount Syntex, were routed through Johar Karyana Store, which then transferred significant amounts to the personal accounts of various individuals and also withdrew cash via ATMs. Furthermore, an on-site inspection of Johar Karyana Store indicated that it lacks the scale or capacity to conduct business transactions amounting multiple crores as reflected in their records, underscoring its use as a front for laundering funds. Additional evidence, including fabricated vendor ship agreements with Future Group and other falsified documents, corroborates the allegation that Johar Karyana Store was instrumental in creating a façade of legitimacy, thereby facilitating a larger fraud. The petitioner's involvement in these transactions and his provision of a purportedly legitimate business front places him at the center of the conspiracy.

13. NECESSITY OF CUSTODIAL INVESTIGATION:

Custodial investigation of the petitioner is crucial to obtain an exhaustive understanding of the financial conduits and interactions that sustained this fraud. As the proprietor of Johar Karyana Store, Pankaj Johar has direct knowledge of the store's financial operations, particularly the ATM withdrawals and account transfers to accomplices. Investigating him in custody is necessary to uncover any additional layers of the conspiracy, including the origins and management of the forged agreements with Future Group. Given the scale and organized nature of this fraud, custodial investigation is essential to accurately trace the complete network of transactions involved in this complex conspiracy."

7. There is sufficient prima facie evidence indicating the petitioner's involvement in laundering more than 41 crores rupees to one company alone, without any supportive vouchers depicting that the petitioner conspired with the other accused and the motive appears to be likely share in the booty.

8. The sly way the petitioner conned the complainant points out the dangerous trend of the revival of thuggee by revisiting the history.

9. A perusal of the bail petition and the documents attached prima facie points towards the petitioner's involvement and does not make out a case for anticipatory bail. The impact of crime would also not justify anticipatory bail. Any further discussions will likely prejudice the petitioner; this court refrains from doing so.

10. In *Sumitha Pradeep v Arun Kumar CK*, 2022 SCC OnLine SC 1529, the Hon'ble Supreme Court holds,

[16]. ... We have noticed one common argument being canvassed that no custodial interrogation is required and, therefore, anticipatory bail may be granted. There appears to be a serious misconception of law that if no case for custodial interrogation is made out by the prosecution, then that alone would be a good ground to grant anticipatory bail. Custodial interrogation can be one of the relevant aspects to be considered along with other grounds while deciding an application seeking anticipatory bail. There may be many cases in which the custodial interrogation of the accused may not be required, but that does not mean that the prima facie case against the accused should be anticipatory bail. The first and foremost thing that the court hearing an anticipatory bail application should consider is the prima facie case put up against the accused. Thereafter, the nature of the offence should be looked into along with the severity of the punishment. Custodial interrogation can be one of the grounds to decline anticipatory bail. However, even if custodial interrogation is not required or necessitated, by itself, cannot be a ground to grant anticipatory bail.

11. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.

12. **Petition dismissed.** All pending applications, if any, are disposed of.

(ANOOP CHITKARA)
JUDGE

19.12.2024
Jyoti Sharma

Whether speaking/reasoned: Yes
Whether reportable: No.