

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-11846-2015 (O & M)
Date of decision:24.07.2015

Tejpal Singh Nuniya and anr.

...Petitioner(s)

Versus

State of Haryana

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Brijeshwar Singh Jaswal, Advocate,
for the petitioners.

Mr. Gaurav Dhir, DAG, Haryana.

Rajan Gupta, J. (oral)

This is second petition under Section 438 Cr.P.C. seeking pre-arrest bail to petitioners who were proclaimed offenders in a case registered against them vide FIR No. 541 dated 19.06.2014 under Sections 420/406 IPC and Sections 4/5/6 of the Prize Chits and Money Circulation Schemes (Banning) Act, 1978, at Police Station City, Hisar.

Learned counsel for petitioners submits that during the pendency of investigation, compromise was effected with the complainant, thus, their custodial interrogation is not required. Petitioners are ready to co-operate with the investigating agency. They, therefore, be granted concession of pre-arrest bail.

Prayer has been opposed by learned State counsel. According to him, petitioners were declared proclaimed offenders on January 02, 2015. He has filed reply by way of affidavit of Devender Kumar, HPS, Deputy Superintendent of Police, Detective, Hisar. He further submits that a similar petition filed by the petitioners was

earlier dismissed by this Court on the ground that petitioners had failed to join investigation. According to him, during investigation, it has been found that 9,187 persons had been cheated by the petitioners. The investigating officer has already recorded statements of 07 persons. Custodial interrogation of the petitioners is required as huge amount of money i.e. more than ₹ 8 Crores is involved in the entire transaction.

I have heard learned counsel for the parties. It appears petitioners extended a promise that in case people deposited money with their company, it would multiply many times. For this purpose, they issued advertisements. Allegation is that they collected almost ₹ 300 Crores from about three lacs persons all over the country. Details of the allegations are contained in the FIR. Another 33 FIRs have been registered against the petitioners in Rajasthan.

In view of nature of allegations, I am of the considered view that custodial interrogation of the petitioners is necessary. They are not entitled to concession of pre-arrest bail. Admittedly, petitioners are proclaimed offenders. Thus, judgment passed by Hon'ble the Supreme Court in *State of Madhya Pradesh versus Pardeep Sharma, 2014(1) RCR (Criminal) 269*, is applicable. Besides, it is inexplicable how the second petition for same relief is maintainable as their earlier petition was dismissed on the ground that they have failed to join investigation.

Dismissed.

24.07.2015

sukhpreet

SUKHPREET KAUR
2015.07.27 14:28
I attest to the accuracy and
authenticity of this document
Chandigarh

(RAJAN GUPTA)
JUDGE