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

**CRM-M-25527 of 2015 (O&M)
Date of Decision: 7.8.2015**

Umang Chaudhary .....Petitioner

Vs.

State of Haryana .....Respondent

CORAM : HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present : Mr. Jasjit Singh Bedi, Sr. Advocate with
Ms. Diya Sodhi, Advocate
for the petitioner.

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1. To be referred to the Reporters or not?
2. Whether the judgment should be reported in the Digest?

<u>RAMESHWAR SINGH MALIK J.</u>

Petitioner seeks bail pending trial in FIR No. 33 dated 8.1.2015 under Sections 420/467/468/471/506/120-B IPC registered at Police Station City Hisar, District Hisar.

Learned senior counsel for the petitioner submits that petitioner has been falsely implicated in the present case. Petitioner has not committed any offence, as alleged against him. If at all, it was the company known as M/s Key Electronics and System Pvt. Limited, which would be responsible for any alleged illegal action and petitioner cannot be held responsible for it. He further submits that it was a money dispute arising out of alleged breach of contract and the matter was purely of civil nature. In support of his contentions, he refers to different documents available on record in the form of Annexures P-2 to P-19. He prays for allowing the present petition.

On the other hand, learned counsel for the State submits that petitioner has committed serious economic offences. Petitioner is a habitual offender. He further submits that petitioner has been operating in different states of the country with different names like Aman @ Aman Yadav @ Umang Chaudhary, with a view to extract huge amount of money from innocent citizens by way of fraudulent means. Besides present FIR, petitioner has been found involved in many other cases including in FIR No. 1060 dated 3.12.2014 under Sections 420/467/468/471/506/120-B IPC, registered at Police Station City Hisar; FIR No. 596 dated 7.8.2014 under Sections 420/467/468/471/506/120-B IPC, registered at Police Station Civil Lines, Karnal; FIR No. 250/14 registered at Police Station Jawra City, District Ratlam, Madhya Pradesh for similar offences; FIR No. 566 dated 8.8.2013 under Sections 420/406/419 IPC registered at Ujjain, Madhya Pradesh; FIR No. 273 dated 18.6.2014 under Sections 403/406/506 IPC registered at Police Station Sector 23 Dwarka, New Delhi; FIR No. 56 dated 24.5.2013 under Sections 406/420 IPC, registered at Police Station Nagrota, Himachal Pradesh; FIR No. 69 dated 5.8.2013 under Sections 420/120-B IPC, registered at Police Station Mansa, Punjab; FIR No. 204 dated 21.5.2014 under Sections 420/34 IPC registered at Police Station Jaora, Madhya Pradesh and FIR No. 417 dated 7.11.2013 under Sections 406/420/120-B IPC, registered at Police Station Tosham, Bhiwani. He would next contend that irrespective of the pendency or decision of the cases arising out of abovesaid FIRs, either in favour or against the petitioner, it is crystal clear that petitioner is a habitual offender, who has been operating in different parts of the country, because of which he is not entitled for the concession of bail pending trial. He prays for dismissal of the present petition.

Having heard the learned counsel for the parties at considerable length, after careful perusal of the record of case and giving thoughtful consideration to the rival contentions raised, this Court is the considered opinion that in the given fact situation of the present case, petitioner has not been found entitled for the concession of bail pending trial. It is so said, because in view of the different documents, coupled with the abovesaid facts and figures given by the learned counsel for the State, it clearly shows that petitioner is not a simple and common litigant, as tried to be projected by the learned senior counsel for the petitioner. Petitioner has been found to be a habitual offender.

A bare reading of the abovesaid peculiar facts and circumstances of the present case would make it crystal clear that petitioner has been running a racket in more than one states of the country. Number of FIRs registered against the petitioner would show that petitioner has been operating in more than six States of the country, having his head office at Kalpataru Synergy, Opposite Grand Hyatt, Santa Cruz Mumbai (Maharashtra) and another branch office at W-23, Sector-11, Noida, Uttar Pradesh.

Besides the abovesaid FIRs having been brought to the notice of this Court, possibility of many more FIRs against the petitioner other than the present one, cannot be ruled out. Under these circumstances, it can be safely concluded that if the petitioner is enlarged on bail, he would misuse the concession of bail pending trial, because he has become habitual of indulging in similar kind of economic offences, which are serious in nature. Petitioner has been extracting huge amount of hard earned money from the innocent citizens.

So far as present case is concerned, huge amount has been paid to the petitioner by the complainant by way of bank transactions, which could not be denied. When the complainant came to know about the modus operandi of the petitioner and his co-accused, he requested the petitioner and his accomplices to return his hard earned money but the complainant was threatened with dire consequences. Petitioner has been introducing himself to be head of the company M/s Key Electrical System Pvt. Ltd. Thus, petitioner is not entitled to the concession of bail pending trial, for this reason as well.

No other argument was raised.

Considering the peculiar facts and circumstances of the case noted above, coupled with the reasons aforementioned, this Court is of the considered view that present petition is misconceived, bereft of merit and without any substance. Thus, it must fail. No case for bail pending trial has been made out.

Resultantly, with the abovesaid observations made, present petition stands dismissed, however, with no order as to costs.

(RAMESHWAR SINGH MALIK)
JUDGE

7.8.2015
Ak Sharma