

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

CRM No. M-2781 of 2015 (O&M)  
Date of decision:- May 01, 2015

Rajan Sharma

.....Petitioner..

Vs.

State of Haryana

....Respondent..

**CORAM:- HON'BLE MR. JUSTICE JASPAL SINGH**

Present:- Mr. Vishal Kumar, Advocate  
for the petitioner.

Mr. Vikramjit Singh, Addl.A.G., Haryana.

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**JASPAL SINGH, J.**

**CRM No. 11188 of 2015**

Allowed as prayed for.

**CRM No. M-2781 of 2015**

This is a petition under Section 438 of the Code of Criminal Procedure preferred by Rajan Sharma-petitioner, seeking pre-arrest bail, feeling apprehension of his arrest, in case bearing FIR No. 248, dated 24.08.2011, under Sections 406, 420 and 120-B of the Indian Penal Code, registered at DLF Qutab Enclave, Gurgaon, Haryana.

2. Shortly put, allegations against the petitioner are that he along with his co-accused committed cheating with complainant as

well as other persons of huge amount of money on the pretext of opening stores in different parts of India. Neither, the stores were opened nor the money was returned to the complainant and other persons.

3. The contention of learned counsel for the petitioner is that the petitioner was not a director of the company as has been alleged in the FIR. In fact, he was employed in the company as Customer Care Manager. Complainant has paid the money, if any, to the company. There is nothing on record to suggest that the said money has been converted by the petitioner for his personal use or has been misappropriated him. Petitioner being employee of the company has performed his job and he has no role to play in the management and affairs of the company. Though, complainant is well aware that dispute raised by him in his complaint is of civil nature, yet no effort has been made by him to initiate any proceedings for recovery of amount alleged to have been invested by him in the company. Petitioner has been dragged in this criminal litigation just to put pressure upon him. Cheating, if any, with the complainant has been committed by the company whereas petitioner has been made a scapegoat and is being used as a tool by the complainant(s) for the recovery of the investment alleged to have been made by them. Since, neither any amount has been entrusted by the complainant to the petitioner nor he misappropriated, no offence is made out against him. However, he is ready to join the investigation and abide by all the terms and conditions, imposed by the Court, in case, he is granted the concession of bail.

4. Per contra, learned State counsel has submitted that petitioner is founder member of the society. He was not only the Customer Care Manager rather, he was one of the directors of the company. This fact is evident from the Memorandum of Understanding (for short, 'MOU'). This MOU bears the signatures of petitioner-Rajan Sharma. He has appended his signatures on MOU as the founder member and the director, which has been agreed and accepted by Mr. Rameshwar Lal Poonia, Profit Partner-Pilani. Now, it does not lie in his mouth to say that he has nothing to do with the company or has not misappropriated the investment of the complainant in the company.

5. Having heard, learned counsel for the parties and going through the record as well as documents available on file, this Court finds that there is no substance in the contention(s) put forth by learned counsel for the petitioner. Rather, documentary evidence placed on record completely falsifies his version.

6. A glance at the MOU reveals that it was entered into between petitioner being founder member of the company with Mr. Rameshwar Lal Poonia, Profit Partner-Pilani. The petitioner is *prima facie* involved in extracting money from the complainant as well as some other persons on the pretext of opening stores in the different parts of India. It is also evident that neither any store was opened nor the amount has been repaid. In the given circumstances, this Court is of the considered view that custodial interrogation of the petitioner is necessary to unearth all the ramifications involved in the case and further that in the absence of custodial interrogation,

investigation of this case is likely to be scultified.

7. Thus, taking into consideration all these aspects, this Court does not deem it a fit case to grant the concession of pre-arrest bail.

8. Accordingly, petition stands dismissed.

**(JASPAL SINGH)  
JUDGE**

May 01, 2015  
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