In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.M-32237 of 2015

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Date of decision:11.12.2015

Ashok Tiwari

...Petitioner

v.

State of Punjab

...Respondent

....

Coram: Hon'ble Mr. Justice Inderjit Singh

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Present: Mr. Gautam Dutt, Advocate for the petitioner.

Ms. Simsi Dhir Malhotra, Deputy Advocate General, Punjab for the respondent-State.

Mr. Bikram Chaudhary, Advocate for the complainant.

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Inderjit Singh, J.

The petitioner has filed this petition under Section 438 Cr.P.C. for grant of anticipatory bail in case FIR No.255 dated 16.7.2015 registered for the offences under Sections 420, 465, 467, 471 and 120-B IPC at Police Station Jodhewal, Ludhiana, District Ludhiana.

Notice of motion has been issued in this case.

Ms. Simsi Dhir Malhotra, learned Deputy Advocate General, Punjab has put in appearance on behalf of the respondent-State and Mr. Bikram Chaudhary, learned Advocate has appeared on behalf of the complainant and contested this bail petition.

I have heard learned counsel for the petitioner as well as learned Deputy Advocate General, Punjab appearing for the respondent-State and learned Advocate for the complainant and have gone through the record.

The FIR in the present case has been registered by Surinder Sharma-complainant against the present petitioner/accused. The allegations in the FIR are that Ashok Tiwari along with Abhishek Pandey and Bank Officer in connivance with each other usurped thousands of rupees of the complainant fraudulently for obtaining signed cheques and documents and getting printed forged bill books and printing of bill books of the firm of the complainant and issued forged bills on behalf of the firm of the complainant and unauthorized filing of VAT returns and caused loss to the complainant from Government organization and threatening to kill. It is stated that the complainant was running hosiery business, namely, M/s Style Enterprises as a proprietor and he used to pay sales tax and VAT etc. The above named accused persons were known to him for quite some time and in the month of October 2012 above named accused came to him and discussion started regarding demand of money, the above accused asked him that if he needs loan for his business then they could arrange loan at cheap rate of interest as they knew a lot of Bank Managers. He agreed to borrow loan and in view of getting him loan they obtained his signatures on some blank documents and also arranged a meeting with one person as Senior Officer of IndusInd Bank and asked him to pay him ₹50,000/-. They opened his bank account at their own and he only appended his signatures. They also took blank letter pads of his firm and also took over a cheque book from him after getting his signatures, on the pretext that the same was required for instalments of the Bank and assured him that a loan of ₹25 Lacs shall be passed with few days. In the FIR, it is also alleged that the complainant came to know that they have got printed forged bill book in the name of his firm by mentioning wrong address and by getting the number of Ashok Tiwari printed upon it and issued forged bills to different parties and had shown the sale of around ₹25 to ₹30 crores and also filed VAT return on behalf of his firm wherein Ashok Tiwari has shown himself as authorized signatory, whereas, he never authorized him with regard to his firm, nor he was informed regarding issuing of bill book, issuing of bills or to deal with any Bank or any other department. It is stated that the above named persons committed fraud worth crores of rupees with him as well as with the Government. It is also stated that quarterly returns for the financial year 2012-13 with Sales Tax Department had been filed showing the sale of ₹18,67,13,109/- and in the fourth quarterly return for the financial year 2012-13 sale of ₹8,20,84,906/- was shown. It is also allegation in the FIR that the accused has not deposited with the Sales Tax Department ₹1,62,58,278/- which was recovered from different firms.

At the time of arguments, learned counsel for the complainant as well as learned State counsel contested the bail petition. It is also stated by the complainant that he moved an application on 12.6.2013 regarding which the inquiry was got conducted by the State Government and then the FIR was registered. The leaned State counsel also stated that during investigation, inquiries have been conducted by the Sales Tax Department, Income-tax Department etc. The learned State counsel states that the custodial interrogation of the present petitioner is necessary in this case as the forged bills and other documents are to be recovered from him.

Keeping in view the nature and gravity of the offences and the fact that the present petitioner is required for custodial interrogation, I do not find it a fit case where the petitioner is entitled to the benefit of anticipatory bail.

Therefore, finding no merit in this petition, the same is dismissed.

December 11, 2015.

(Inderjit Singh)
Judge

hsp