

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

**(206)**

**CRM-M-4562-2016**

**Decided on: May 05, 2016.**

**Ashwani Dhawan and another**

**.... Petitioners**

**Versus**

**State of Punjab**

**..... Respondent**

**CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI**

Present: Mr. Rajesh Narang, Advocate, for the petitioners.

Ms. Harpreet Kaur Athwal, DAG, Punjab.

Mr. Vishal Sharma, Advocate, for the complainant.

**M.M.S. BEDI, J (ORAL)**

Petitioners have filed this petition under Section 438 Cr.P.C for grant of pre-arrest bail in a case of cheating registered at the instance of Paramjit Singh alleging that the petitioners in connivance with each other had duped the complainant and others for huge amount by inducing the complainant and others to invest money in the Company, namely Shree Anuvrat Township and Realty Ltd with a false assurance that the company deals in gold business and that the investors can earn a huge profit by earning higher rate of interest on the payments made.

Learned counsel for the petitioners has vehemently contended that the petitioners are not the Directors of the Company and that they have got nothing to do with the business of the company. He has further submitted that as a matter of fact petitioner No.1 himself has been duped by

the company. In support of his contention, reliance has been placed on a cheque Annexure P-4 and share certificates/agreement Annexure P-5 and P-6, which indicate that the petitioner No. 1 is merely a shareholder in the abovesaid company.

I have heard learned counsel for the petitioners, learned State counsel as well as learned counsel for the complainant and gone through the police record with the assistance of ASI Varinder Kumar.

Perusal of the police file indicates that during course of investigation, the prosecution agency has recorded the statements of number of witnesses i.e. Preet Kamal, Narinder Dev Aggarwal, Sukhwinder Singh, Nakul and Paramjit Singh etc who have stated that petitioner No.1 Ashwani Dhawan had been working as Manager of the abovesaid company and had played active role in persuading the victims to invest in the company with false promises.

On asking of the Court, it has been informed that the Directors of the company i.e. Rakesh Kumar Jain and Bhupinder Singh have already been arrested. Prima facie, it appears that petitioner No.1 Ashwani Dhawan has played active role in persuading the complainant and other victims to part with money on the basis of false promises of earning higher profits.

In view of said circumstances, no extraordinary exceptional circumstances exist to grant concession of pre-arrest bail to petitioner No.1 Ashwani Dhawan.

Petition, qua petitioner No. 1 Ashwani Dhawan, is dismissed.

Interim order qua petitioner No.1 stands vacated.

So far as petitioner No.2 Jyoti Dhawan is concerned, she being a lady and having not actively participated, she can be granted concession of pre-arrest bail as she has already joined the investigation. Petition, qua petitioner No.2 Jyoti Dhawan, is allowed. It is ordered that in case of arrest of petitioner No.2 Jyoti Dhawan, she will be released on bail to the satisfaction of the arresting officer subject to the conditions that she will join investigation as and when required and will not tamper with the evidence or hamper the investigation in any manner.

**(M.M.S. BEDI)**  
**JUDGE**

**May 05, 2016**  
*harsha*