IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

(1) CRM No.M-668 of 2016 (O&M)

Chetna Mittal

...Petitioner

VERSUS

State of Haryana

...Respondent

(2) CRM No.M-1553 of 2016 (O&M)

Ashok Mittal

...Petitioner

VERSUS

State of Haryana

...Respondent

Date of Decision:- July 13, 2016

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Dr.Anmol Rattan Sidhu, Senoir Advocate with
Mr.Manhar S. Saini, Advocate
for the petitioners.

Mr.Vikramjit Singh, Addl. Advocate General, Haryana
for the respondent-State.

Mr.Anil Kumar Sagar, Advocate
for the complainants.

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INDERJIT SINGH, J.

Both the above-mentioned cases are taken up together being arisen from same FIR.

Petitioners have filed these petitions under Section 438 Cr.P.C. for grant of anticipatory bail in FIR No.290 dated 10.08.2015 under

Sections 406, 420 IPC and Sections 3 and 4 of the Chit Fund Act and Section 3 of Haryana Protection of Interest of Depositors in Financial Establishment Act, 2014, registered at Police Station Sector-5, Panchkula.

Notice of motion was issued in both the petitions and learned State counsel as well as learned counsel for the complainants appeared and contested the petitions.

I have heard learned counsel for the parties as well as learned State counsel and have gone through the record.

From the record, I find that FIR in the present case has been registered on the basis of written complaint against Ashok Mittal, Chetna Mittal, their son Arpit Mittal, driver and servant for cheating and grabbing the money. As per the allegations in the FIR, the complainants, who were residents of Panchkula, stated that Ashok Mittal came to them in 2013 and told that he is opening a showroom in Elante Mall by the name of Al Anmol Jewels and having wholesale business of diamonds. He stated that in case the complainants agree to pay monthly installments of the said amount, which he will invest in his jewellery business, he will keep paying interest @ 1.5% and on demand, money will be returned back in one go. He further assured that he will also give share in the profit and all of them will be benefitted. As per the FIR, initially, Ashok Mittal gave 1.5% interest to the complainants and the accused also returned the money to one or two persons in one go. In this manner, with the passage of time, all members are having dues of about ₹8 crores against him. When complainants demanded their money, he had got a false case registered against some Walia by colluding with police and told them that Walia had flown by taking his entire money. It is further stated that Crime Branch has investigated the matter and all the allegations were found to be false in that FIR. It is further stated that accused have grabbed their money. It is also stated that Ashok Mittal used to hold meetings in the hotel. His wife Chetna Mittal used to demand the installments through phones and Ashok Mittal's wife etc.

Keeping in view the facts and circumstances of the case, nature and gravity of the offence and in view of the fact that recovery is still to be effected and the fact that petitioners are required for custodial interrogation, I do not find it a fit case where petitioners are entitled to benefit of anticipatory bail.

Therefore, finding no merit in both the petitions, the same are dismissed.

July 13, 2016 **(INDERJIT SINGH)**
Vgulati **JUDGE**