IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

(1) CRM-M-27985 of 2017.
Decided on:-09.08.2017.

Ramesh Kumar Chugh.
.........Petitioner.

Versus

State of Punjab.
.........Respondent.

(2) CRM-M-22327 of 2017.

Harsh Kumari.
.........Petitioner.

Versus

State of Punjab.
.........Respondent.

(3) CRM-M-22417 of 2017.

Neelam.
.........Petitioner.

Versus

State of Punjab.
.........Respondent.

(2) CRM-M-26541 of 2017.

Jeevan Chugh.
.........Petitioner.

Versus

State of Punjab.
.........Respondent.

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA.

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Present:- Mr. Manish Kumar Singla, Advocate
for the petitioner(s).

Mr. Bhupender Beniwal, AAG, Punjab.

Mr. Vaibhav Narang, Advocate
for complainant Parveen Tandon in
CRM-M-27985 of 2017.

HARI PAL VERMA, J.

This order shall dispose of the aforementioned four petitions filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioners as the same have arisen from a common case bearing FIR No.139 dated 10.07.2016 under Sections 406, 417, 419, 420, 465, 467, 468, 469, 471 and 120-B of the Indian Penal Code registered at Police Station Chherretta, District Amritsar.

However, for convenience and clarity, the detailed order is being passed in ***CRM-M-27985 of 2017*** titled as ***Ramesh Kumar Chugh Versus State of Punjab***.

The aforesaid FIR was registered on the basis of complaint made by complainant Rajinder Parkash Nayyar son of Kedar Nath Nayyar and 7 other persons, namely, Parvesh Nayyar, Karan Chawla, Balwinder Kaur, Subedar Balwinder Singh, Gurcharan Singh, Pandit Rakesh Kumar and Banarsi Lal. As per the allegations made in the FIR, petitioner Ramesh Kumar Chugh and Sukhwinder Singh @ Happy, both are LIC agents. The complainants have also opened FDRs and RDs of post office through petitioner Ramesh Kumar Chugh and Sukhwinder Singh Happy, who used to collect the amount of FDRs and RDs from the complainants. When the entire FDRs and RDs matured, the complainants approached petitioner Ramesh Kumar Chugh for payment of amount. He asked them to come to his office in the next morning. He told them that he will make their entire payment. However, when the complainants went to the office of petitioner Ramesh Kumar Chugh to take their money, his office was found closed and he had run away from his house after taking his belongings. As a guarantee, he had given cheques to the complainants of his account No.04762000002821 in HDFC Bank Limited, Guru Nanak Dev University, Shopping Complex, GT Road, Amritsar. Though he had filled amount in those cheques, but had not filled date on the same intentionally.

In this manner, petitioner Ramesh Kumar Chugh along with other co-accused has committed fraud with the complainants and the accused have embezzled the money belonging to the complainants.

On receipt of application from the complainants, the DCP had marked the same to the Incharge, Economic Wing and during inquiry, it came to the notice of the police that the petitioners-accused have committed cheating worth crores of rupees with the complainants and many other persons. On the basis of open and secret inquiry, it was found that petitioner Ramesh Kumar Chugh in connivance with his wife Neelam, son Jeevan Chugh and daughter-in-law Harsh Kumari have committed cheating worth crores of rupees under a conspiracy and by getting confidence of general public during business of post office/LIC policies and GLF company. The accused had assured a handsome return for the investment made by the complainants. Petitioner Ramesh Kumar Chugh has transferred various properties to his married daughters and sons and after committing cheating with the complainants, has run away along with his family from his house. All the accused are at run after committing the offence.

Learned counsel for the petitioners states that there is not even a whisper of allegation that the petitioners have fraudulently or dishonestly induced anyone to deliver anything to anyone. There is no material available with the complainants to establish that the money was ever given to the petitioners. Neither the petitioners have sold any property to the complainants nor there was any dealing with regard to any property between the petitioners and the complainants. No transaction has taken place between the petitioners and the complainants. The petitioners are neither signatories to any document nor working for any agency.

On the other hand, learned State counsel has argued that all the petitioners are guilty of committing fraud of crores of rupees. He further states that vide order dated 30.05.2017 passed by learned Judicial Magistrate 1st Class, Amritsar, all the four petitioners and co-accused Sukhwinder Singh @ Happy have been declared proclaimed offenders and as such, they are not entitled to the concession of anticipatory bail.

I have heard learned counsel for the parties.

The FIR in question was registered at the instance of complainants, namely, Rajinder Parkash Nayyar, Parvesh Nayyar, Karan Chawla, Balwinder Kaur, Subedar Balwinder Singh, Gurcharan Singh, Pandit Rakesh Kumar and Banarsi Lal on the allegations that they have availed facility of FDRs and RDs in the post office through petitioner No.1

Ramesh Kumar Chugh and Sukhwinder Singh @ Happy, who are LIC agents. After the maturity of FDRs and RDs, when the complainants approached petitioner No.1 Ramesh Kumar Chugh for taking their money back on the night of 16.06.2016, he assured them to come in his office on the next morning. But in the meanwhile, petitioner No.1 along with his family had absconded from his house and the office was found closed. Thus, the petitioners, in connivance with each other, have cheated the innocent complainants.

During the course of investigation, it has been found that the petitioners have duped not only the complainants, but other people also. It is during the course of investigation, the names of Neelam, Jeevan Chugh and Harsh Kumari, petitioners herein, also surfaced to be involved in the cheating. More than 70 other persons cheated by the petitioners have come forward to take action against them.

Hon'ble Supreme Court in ***Lavesh Versus State (NCT of Delhi) 2012(4) RCR (Criminal) 240*** has held that when a person, against whom a warrant has been issued, had been absconding or concealing himself in order to avoid execution of warrant and is declared as a proclaimed offender in terms of Section 82 Cr.PC, is not entitled the relief of anticipatory bail.

In the present case, the petitioners have been declared proclaimed offenders vide order dated 30.05.2017 passed by learned Judicial Magistrate 1st Class, Amritsar. This order has neither been assailed by the petitioners nor the fact of declaring them as proclaimed offenders has been disclosed by them in the present petitions. Thus, in view of the law laid down by Hon'ble Apex Court in ***Lavesh's case (supra)***, they are not entitled the relief of anticipatory bail.

Therefore, taking into consideration the seriousness of the allegations levelled against the petitioners, this Court finds that they do not deserve the concession of anticipatory bail.

The present petitions are, accordingly, dismissed.

Photocopy of this order be placed on the files of other connected cases.

(HARI PAL VERMA)
JUDGE

August 09, 2017
Yag Dutt

Whether speaking/reasoned: Yes

Whether Reportable: No