

208.

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

CRM-M-29760-2017

Date of decision:06.10.2017

ROSHAN LAL

.... Petitioner

versus

STATE OF HARYANA

.... Respondent

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Rajeev Sharma, Advocate,
for the petitioner.

Mr. Manish Bansal, DAG, Haryana.

HARI PAL VERMA, J. (Oral)

Prayer in this petition filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioner during pending trial in case FIR No.995 dated 24.11.2015 under Sections 406, 420, 467, 468, 471, 506 and 120-B IPC, registered at Police Station Civil Lines, Hisar, District Hisar.

The aforesaid FIR was registered at the behest of Brahmanand who had retired from the Food and Supply Department in the year 2006. The accused Dharambir who is *samdhi* of accused Roshan Lal, told the complainant that his *samdhi* is running a society which is recognized by the Haryana Government. The complainant visited the office of the society where all the accused, who were

members of same family, assured the complainant that his money would be safe and that the record of said society is audited every year. He (complainant) should deposit his money in that society and the money can be withdrawn at any time from the society. Thus, on the assurance of the accused, the complainant deposited money of ₹1.50 lakhs in the said society. His other family members, namely, Tara Bai, Sunil Kumar, Kuldeep and Mukesh deposited ₹1 lakh each on 18.02.2006. Even thereafter also, the complainant got deposited money in the said society which comes to ₹8,59,766/-. However, when the complainant demanded his money back, the said society issued cheques of small amounts. In this respect, the complainant made a complaint to the Assistant Registrar, Cooperative Societies, Hisar, but no action was taken thereof. Thereafter, the complainant got information from the office of Assistant Registrar, Cooperative Societies that all the accused persons in conspiracy with each other have transferred the funds of the society to the Food Corporation of India Staff Cooperative Urban (SE) Thrift & Credit Society Limited, Hisar and they have prepared false documents which is clear from the audit report for the year 2009-10 that a sum of ₹2,87,38,254/- has been transferred by the above said society to the Commercial Bank Employees Cooperative SETC Society, Hisar and a sum of ₹1,68,81,490/- has been transferred by the accused persons to the Khanagwal Finance & Leasing Company, Hisar. In this manner, the petitioner and co-accused have diverted in other societies which is dominantly membered and managed by the accused.

Learned counsel for the petitioner has argued that the present FIR was registered on the basis of a complaint made under Section 156(3) Cr.P.C. The case is triable by the Magistrate and the petitioner is in custody since 24.08.2016. The prosecution evidence is not coming forward despite the witnesses having been bound down.

On the other hand, learned State counsel submits that the allegations against the petitioner are serious in nature and after collecting money from the innocent people like the complainant, has transferred the money so collected in other society which is owned and managed by the petitioner-family.

I have heard learned counsel for the parties.

The allegations against the petitioner are that huge amount has been collected from the complainant and other persons and thereafter, he has transferred this amount in the name of Commercial Bank Employees Cooperative SETC Society, Hisar.

In view of serious allegations of collection of money and thereafter transferring the same in the account of another society which is dominantly membered and managed by the petitioner, no ground for bail is made out.

Accordingly, the present petition is dismissed.

However, considering the fact that the petitioner is in custody since 24.08.2016, the trial Court is directed to expedite the trial and conclude the same preferably within six months.

The observations made hereinabove shall not be construed as an expression on the merits of the case and the trial court shall decide the case on the basis of available material.

(HARI PAL VERMA)
JUDGE

06.10.2017
renu/sanjeev

Whether speaking/reasoned	Yes/No.
Whether Reportable:	Yes/No.