IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-45395 of 2016
Date of decision: 13.9.2017

Narender Rawat

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR.JUSTICE H.S.MADAAN

Present: Mr. Amit Khatkar, Advocate
for the petitioner.

Mr.Gaurav Bansal, AAG, Haryana.

Mr.Rajesh Lamba, Advocate
for the complainant.

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H.S. MADAAN, J.

The instant petition under Section 438 Cr.P.C. for pre-arrest bail has been filed by petitioner - Narender Rawat, an accused in FIR No.904 dated 23.11.2016 for offences under Sections 420/406/467/468/471/120-B IPC, registered with Police Station 55, District Faridabad.

Briefly stated facts of the case as per prosecution story are that FIR in this case was registered at the instance of complainant Haripal Dhiman Engi., Corporation Plot No.107, Sector 59, Ballabgarh, Faridabad.

Inter alia, in the application moved by complainant addressed to SP, Faridabad, it was contended that several persons in the form of two teams of which Narender Rawat (petitioner) was the master mind had taken an amount of Rs.1 crore 35 lacs from him by way of cheating giving him allurement that they had article RP and if the complainant purchased the same selling it of to Narender Rawat, then he would earn huge profit. However, those persons did not keep their promise and when complainant asked them to return his money, they refused to oblige. Hence the complaint.

Apprehending his arrest in this case, petitioner - accused had approached the Court of Sessions seeking grant of pre-arrest bail but his such application was dismissed by the Court learned Additional Sessions Judge, Faridabad vide order dated 12.12.2016. As such, he has approached this Court asking for similar relief.

Notice of the petition was given to respondent – State, which is being represented by State counsel. Sh.Rajesh Lamba, Advocate has put in appearance on behalf of the complainant.

I have heard learned counsel for the parties besides going through the record and I find that the petition is doomed for failure.

In the FIR, the petitioner is specifically named and rather described as master mind of the fraud, cheating the complainant of substantial amount of Rs.1 crore 35 lacs by making misrepresentation and giving false promise, which he never intended to keep. After petition for pre-arrest bail was filed in this Court, he was granted interim bail vide order dated 7.2.2017 and was directed to join investigation. As per State counsel though the petitioner has joined the investigation but has not rendered cooperation not getting recovered the amount of Rs.1 crore 35 lacs so received from the complainant and not disclosing the manner in which the whole criminal act was performed. In the status report filed by Assistant Commissioner of Police, NIT, Faridabad, it has been mentioned that as a result of investigation, it has transpired that the petitioner is neither representative of JJ Group nor has got delegated powers in his favour though in order to grab amount of complainant, he and his associate connived with each other and in order to cheat the complainant, they misrepresented the facts by using fake letter of the company converting it into agreement cum movement letter issuing receipts for a sum of Rs.15 lacs and Rs.25 lacs which were found to be fake and fabricated. The JJ Group company has denied any receipt transaction in their account. During the investigation of this case, call details of mobile of petitioner and his co-accused were obtained which revealed that petitioner and co-accused had pre-planned to cheat the complainant. It is submitted that Gaurav, Vikram and Narender Rawat had pre concert of mind and committed pre-plans not to provide antique items. It has further transpired that on 5.3.2016, petitioner and Gaurav after hatching conspiracy had induced an agreement cum movement letter for providing advance sum of Rs.20 crores from the company for purchasing antique items rice poller receiving amount of Rs.15 lacs illegally and have indulged in preparing false documents. It has further come out that Narender Rawat had issued a fake receipt dated 9.3.2016 for a sum of Rs.15 lacs. It was so done by him on behalf of the company but receipt was fake. The petitioner had continued repeating the same action and received the amounts from the complainant on 21.3.2016. He had received a sum of Rs.11 lacs in cash for providing said facilities on 29.3.2016, Rs.25 lacs on 7.4.2016 on behalf of JJ Group, the receipts so issued by him were found to be fake.

I conclude that allegations against the petitioner are quite serious and grave. In case of ***State represented by the C.B.I. Versus Anil Sharma, 1997(4) R.C.R.(Criminal) 268***, Hon'ble Apex Court had observed that custodial interrogation is qualitatively more elicitation orientated than questioning a suspect who is on anticipatory bail, in a case like this interrogation of suspected person is of tremendous advantage in getting useful informations.

Custodial interrogation of the petitioner is definitely required for complete and effective investigation. In case custodial interrogation of the petitioner is denied to the investigating agency that would leave many loose ends and gaps in the investigation affecting the investigation being carried out adversely which is not called for.

Thus finding no merit in the petition, the same stands dismissed.

13.9.2017 **(H.S.MADAAN)**
Brij **JUDGE**

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No