

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

**Crl. Misc. No.M-4951 of 2017 (O&M)
Date of Decision: August 18, 2017**

Mangi Lal and another

.....PETITIONER(s).

VERSUS

State of Haryana

....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. P.K. Ganga, Advocate
for the petitioner Mani Ram.

Petition qua petitioner Mangi Lal stands infructuous.

Mr. Ashish Yadav, Addl. A.G. Haryana.

Mr. N.S. Shekhawat, Advocate
Mr. J.S. Thind, Advocate
Mr. Satbir Gill, Advocate
for the complainant (s).

SURINDER GUPTA, J.(Oral)

Petitioners Mangi Lal and Mani Ram filed this petition under Section 438 Code of Criminal Procedure seeking anticipatory bail in case FIR No.15 dated 17.01.2017 registered for the offences punishable under Sections 406, 420 read with Section 120-B and 506 of Indian Penal Code at Police Station Ellenabad, District Sirsa.

Vide order dated 28.12.2016, arrest of both the petitioners was stayed but the investigating agency was allowed to associate them in the investigation. It was further ordered that if on the basis of investigation, custody of the petitioners is required, both the petitioners will be given one week's prior notice before effecting their arrest.

Petitioner Mangi Lal was arrested after giving him one week's notice, as such, petition filed on his behalf was rendered infructuous.

FIR was registered on the complaint of Jasbir Singh Chahal, President Arhti (Commission Agents) Association, Ellenabad (Sirsa). Petitioners have enclosed transcript of the FIR in English as Annexure P-4, operative part of which reads as follows:-

“That, I am the president of Arhti Association Anaj Mandi, Ellenabad, District Sirsa. In our mandi, the owners of Aditya Enterprises namely Mangi Lal Sharma and Subhash Sharma has purchased paddy worth of Rs.5 crores (approx.) and ran away 5-6 days prior alongwith sale consideration after committing a fraud. The main role in this fraud is played by Mani Ram Joshi. Mani Ram Joshi had helped the accused in this fraud by hatching a planned conspiracy. Now Subhash and Mangi Lal had ran away from the spot and Mani Ram Joshi, who is a conspirator, has a complete knowledge about them and he is in touch with them.”

Learned counsel for petitioner Mani Ram has argued that the allegation in the FIR discloses dispute of civil nature. Mangi Lal is the Managing Proprietor of M/s Aditya Enterprises and Commission Agent, whose licence was valid at the time of purchasing crop from the farmers. Petitioner Mani Ram has no concern with the business of M/s Aditya Enterprises. The total purchase made by M/s Aditya Enterprises was worth ₹3,64,42,907/-, out of which total sale price of ₹2,06,15,481/- has been paid and only a sum of ₹1,63,27,426/- is to be paid to the commission agents (Arhtis). Market fee on purchases made by M/s Aditya Enterprises was also paid. It was due to demonitization, payment of ₹1,63,27,426/- could

not be made. Petitioner Mani Ram has not committed any fraud or cheating

with any person. The entire case is based on documentary evidence for which custodial interrogation of petitioner Mani Ram is not required.

Learned State counsel assisted by counsel for complainant(s) has argued that it is a case where petitioner Mani Ram had indulged in planned cheating of farmers. Petitioner Mani Ram Joshi is the main plotter of entire planning. Police has recorded the statements of scores of farmers, who sold the crop to the firm of Mangi Lal on the allurements of petitioner Mani Ram that they will get higher price for their produce. The payments were not made to the farmers and on demand, they were assured of payment within 20 to 30 days with interest. The matter came to the notice of Commission Agents (Arhtis) Association, Ellenabad and on inquiry, it was found that petitioners have played fraud of crores of rupees with innocent farmers and then fled away. After the arrest of Mangi Lal, his disclosure statement was recorded, wherein he has disclosed about his plan with Subhash Chander and petitioner Mani Ram to collect money by selling the crop of farmers and then fled away from Ellenabad. Under this scheme, they purchased paddy from farmers and Commission Agents and sold the same in the area outside Ellenabad. The entire account of the purchase was being kept by Mani Ram Joshi and Mohit Sharma. Mani Ram is aware of the unsold paddy lying in godown and he is also having in his possession account books of the firm M/s Aditya Enterprises. Some of the payment of the crop was received in old currency which the farmers refused to accept. Mohit and Mani Ram got that currency converted and grabbed the same.

Admittedly, Mani Ram is not connected with M/s Aditya Enterprises but at the same time, he is alleged to be main person, who allured the farmers to sell the crop to M/s Aditya Enterprises for higher

prices. As per statement of co-accused, entire accounts of the purchases, storing of paddy, payments etc. are with Mani Ram. A number of farmers have got recorded their statements that they sold their crop to M/s Aditya Enterprises on the asking of Mani Ram, who allured them to give higher prices of their produce. All these facts are indicative of involvement of Mani Ram in cheating of farmers. It is a case where the police is looking into the agony of farmers, who have been cheated and have not been paid the prices of their produce. In case, there was some temporary financial restraints due to demonitization, as the petitioner has alleged in this petition, he could very well come up with a proposal of making the payment of produce purchased by him but no such proposal has come up.

I am of the view that plights of farmers in this case call for thorough investigation of the conduct of petitioner, who do not deserve to be allowed anticipatory bail. Consequently, this petition has no merits.

Dismissed.

(SURINDER GUPTA)

August 18, 2017
Sachin M.

JUDGE

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No