IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Date of decision : 01.02.2018

(1) CRM M-21492 of 2017

Parmod Kumar Jain

....Petitioner

V/s

State of Haryana & anr.

....Respondents

(2) CRM M-22237of 2017

Aman Chopra

....Petitioner

V/s

State of Haryana

....Respondent

(3) CRM M-21765 of 2017

Arun Bahri

....Petitioner

V/s

State of Haryana

....Respondent

(4) CRM M-32768 of 2017

Reema Gulati

....Petitioner

V/s

State of Haryana

....Respondent

BEFORE : HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. N.K. Malhotra, Advocate for the petitioner in

CRM M-21492 of 2017.
Mr. M.S. Ahluwalia, Advocate for the petitioner in
CRM M-22237 of 2017
Mr. Manjit Singh, Advocate for the petitioner in
CRM M-21765 of 2017
Mr. Rakesh Nagpal, Advocate for the petitioner in
CRM M-32768 of 2017.

Mr. Chetan Sharma, AAG Haryana.

Mr. Sanjiv Aggarwal, Advocate for the complainant in
CRM M-21492 of 2017, CRM M-22237 of 2017 &
CRM M-21765 of 2017
Mr. Deepam Raghava, Advocate for the complainant in
CRM M-32768 of 2017.

RAJAN GUPTA J.

This order will dispose of aforesaid four petitions seeking pre-arrest bail in a case registered against the petitioners under sections 406, 419, 420, 465, 467, 468, 471, 120-B IPC vide FIR No. 0767 dated 05.10.2016 at police station City Sirsa.

Brief factual background of the case is that Seema Rani wife of complainant Bhim Sain was declared successful in DDA Housing Scheme, 2010 and a house in Sector 29, Block-C, Rohini was allotted. Thereafter, Parmod Kumar Jain, Proprietor of Geetanjali Property Dealer, contacted the complainant and finalized the sale of said allotted house. In order to execute the sale-deed, he obtained certain documents of complainant and his wife. After about three years, Income Tax, Sirsa furnished a notice to complainant to render requisite information with regard to large-scale transactions in respect of his joint saving account no. 912010068155460 in Axis Bank, Sector 24, Rohini. On enquiry, complainant came to know that Parmod Jain in connivance with bank officials had opened a fake joint saving bank account in his name and his wife using the documents which he had furnished to him at the time of sale of his house. Finding prima facie case, the Magistrate passed an order under section 156(3) Cr.P.C. directing the police to register a case and investigate into the same. Investigation, thus, ensued. During the course of investigation, accused Sunil Jha was arrested who suffered disclosure statement and described the role of present petitioner(s).

During the course of arguments, it was contended that petitioner(s) have no connection with the commission of crime. Merely on the basis of statement of Sunil Jha, petitioner(s) have been implicated. Moreover, no recovery is to be effected from them. They are thus entitled to concession of pre-arrest bail. Learned State counsel vehemently opposed the prayer. According to him, petitioner(s) are the main conspirators in the commission of crime. In view of gravity of crime, petitioner(s) are not entitled to concession of pre-arrest bail. Learned counsel for the complainant has made submission on the similar lines.

It is evident that allegations against the petitioners are that they were operating a fake joint account in the name of complainant and his wife. Same was opened on the basis of documents which were obtained during the sale transaction of house owned by complainant and his wife. Petitioners in connivance with each other forged the documents and opened a fake joint saving bank account. It is on record that in the fake joint saving account, 160 odd cheque transactions amounting above ₹20 crores had taken place. Besides, there are other RTGS transactions also from the said account. By these transactions the accused converted the black money into white. During investigation, investigating agency found a cheque bearing signatures of Seema Rani-wife of complainant which was forged by accused

Reema Gulati on the instructions of accused Arun Bahri and Sunil Jha. It was further found that account opening form bears the mobile number of accused Sushil Kumar-an employee of the bank. Their names surfaced only when co-accused Anil Jha was arrested and made a disclosure statement. Keeping in view the nature of allegations, it may not be possible for the investigating agency to unravel the entire modus operandi in case petitioner(s) are armed with a protective order. It is evident that though interim bail was granted by coordinate Bench of this court and petitioner(s) did join investigation, but same could not make much headway. It was vehemently stated by State counsel during the course of hearing that petitioner(s) are not revealing vital clues about the manner in which crime has been committed. It was held by Apex court in judgment reported as *CBI vs. Anil Sharma 1997 SCC (Cr.) 1039* that custodial interrogation is more elicitation oriented and accused is unlikely to cooperate when armed with a protective order.

In view of above, there is no merit in these petitions. Same are hereby dismissed.

February 01, 2018 (RAJAN GUPTA)
Ajay JUDGE

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No