Sr. No.203

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM No. M-22464 of 2017 (O&M)
Date of Decision: 11.01.2018

Rajni Sharma

... Petitioner

Versus

State of Haryana

... Respondent

CRM No. M-30739 of 2017 (O&M)

Raman Prasad

... Petitioner

Versus

State of Haryana

... Respondent

CORAM:- HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present:- Mr. R.S.Randhawa, Advocate,
for the petitioners.

Mr. Sharad Kumar Yadav, DAG, Haryana.

Mr. Kunal Muthreja, Advocate,
for the complainant.

TEJINDER SINGH DHINDSA, J.(ORAL)

This order shall dispose of CRM No.M-22464 of 2017 (Rajni Sharma Vs. State of Haryana) and CRM No.M-30739 of 2017 (Raman Prasad Vs. State of Haryana) as both these connected petitions have been preferred under Section 438 Cr.P.C. seeking concession of anticipatory bail to the petitioner(s) in case FIR No.117 dated 22.02.2017, under Sections 406/ 420/ 467/ 468/ 471/ 120-B IPC, registered at Police Station Central, Faridabad.

While issuing notice of motion in CRM No.M-22464 of 2017, the following order was passed by this Court on 22.06.2017 :-

> ***"This is a petition for grant of anticipatory bail to Rajni Sharma – petitioner in case FIR No.117 dated 22.2.2017 under Sections 406/420/467/468/471/120-B IPC, registered at Police Station Central, Faridabad.***
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> ***The allegations in the FIR, registered on the complaint of one Vinod Sharma are that he and his wife planned to deposit their saved money in some fixed deposit accounts, so that they could get good returns to arrange the marriage of their daughter. They were assured by one Raman Prashad Sharma, who was known to the complainant's family and working in Religare Company, which deals with fixed deposits, that he would invest the money in fixed deposits, which would give the best returns. Under that assurance, in various installments, a total sum of Rs.25,00,000/-, was deposited in the name of the Company of said Raman Prasad Sharma and his wife Rajni Sharma – petitioner. It is further alleged that Raman Prasad Sharma repeatedly got transactions in his name, in the name of his wife and the Company. The complainant and his wife were***

also made to sign some documents/forms, purported to be for fixed deposits and money-back plan, in which Raman Prasad Sharma had assured that he would deposit their money. However, later on, it was revealed that the amount was not deposited in the fixed deposits, rather invested in the share market and, thereby, the complainant and his wife were defrauded.

Ld. Counsel for the petitioner states that the allegations are false as the amount was transferred to various companies for purchasing the shares through banking channels and this fact was in the knowledge of the complainant as the account statements regarding the said Demat accounts are regularly sent to the customers. He further states that the complainant and his wife were fully aware about the deposit of their money in the said accounts, which was going on since 2014, and it was only in 2017 when they suffered losses in the share market that the present FIR is lodged. It is argued that the petitioner is roped in only because she is wife of main accused Raman Prasad Sharma, otherwise, she has no role to play and all the relevant documents regarding the money transactions are already in the custody of the

investigating agency.

Notice of motion for 23.8.2017.

In the meantime, in the event of arrest, the petitioner Rajni Sharma shall be released on interim anticipatory bail to the satisfaction of the Arresting/ Investigating Officer, subject to the conditions provided under Section 438(2) Cr.P.C. The petitioner is also directed to join the investigation and cooperate with the Investigating Agency, as and when required."

Likewise notice of motion was issued in CRM No.M-30739 of 2017 on 22.08.2017 and the petitioner herein i.e. Raman Prasad was granted ad interim protection as regards arrest subject to his joining investigation.

Learned State counsel upon instructions from ASI Manoj Kumar, Police Station Central, Sector 12, Faridabad informs the Court that both the petitioners herein have since joined investigation. That apart the observations made in the order dated 22.06.2017 while issuing notice of motion in CRM No.M-22464 of 2017 have gone unrebutted.

Counsel representing the complainant party has vehemently opposed the prayer. It is contended that the accused had even issued a cheque for an amount of Rs.13 lacs towards part repayment of the money that had been entrusted to the complainant party and even such cheque has been dishonoured.

However, on a specific query having been put, counsel for the complainant submits that the cheque was issued on 30.09.2016 and which was presented on 21.11.2016 and was dishonoured. Strangely, in the FIR that has been registered subsequent in point of time there is not even a whisper as regards issuance of the cheque which as per counsel had been issued by the accused party.

It is essentially a money dispute.

Petitioners having joined investigation, this Court is of the considered view that custodial interrogation as such would not be warranted.

Both the petitions are allowed. Orders dated 22.06.2017 in CRM No.M-22464 of 2017 and dated 22.08.2017 in CRM No.M-30739 of 2017 are made absolute.

Petitions disposed of.

11.01.2018 **(TEJINDER SINGH DHINDSA)**
vandana **JUDGE**

Whether speaking/reasoned Yes

Whether Reportable No