In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.M-29258 of 2018

Date of decision:03.10.2018

Rajnish Garg and another

...Petitioners

v.

State of Punjab

...Respondent

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Coram: Hon'ble Mr. Justice Inderjit Singh

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Present: Mr. A.P.S. Deol, Senior Advocate with Mr. Harjinder Singh Mavi, Advocate for the petitioners.

Ms. Monika Jalota, Deputy Advocate General, Punjab for the respondent-State.

Mr. Vikas Chatrath, Advocate with Mr. Aditya Pandey, Advocate for the complainant.

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Inderjit Singh, J.

The petitioners have filed this petition under Section 438 Cr.P.C. for grant of anticipatory bail in case FIR No.101 dated 19.6.2018 registered for the offences under Sections 306, 420 and 34 IPC at Police Station City-I, Abohar, District. Fazilka.

Notice of motion was issued in this case.

Ms. Monika Jalota, learned Deputy Advocate General, Punjab has appeared on behalf of the respondent-State and Mr. Vikas Chatrath, learned Advocate has appeared for the complainant and contested this petition.

I have heard learned counsel for the parties as well as learned State counsel and have gone through the record.

At the very outset, learned State counsel informed that the offence under Section 306 IPC has been deleted in this case. As per the FIR, which was got recorded by Deepak Kumar, he stated that he is a poor person and working as a Salesman on Utensils shop at the salary of ₹8,000/- and take care of his family with great difficulty. In 2008-09, he was working as Helper at Mannat AC Repair Shop, Ganganagar and used to get salary of ₹3500-4000. The father of the complainant was associated with Siya Ram Sangh, Abohar and Vishnu Kumar Gupta was also associated with this Siya Ram Sangh, Abohar and they became close to each other. Vishnu Kumar Gupta told his father that Rajnish Kumar Gupta works in Delhi and that with regard to business of Rajnish Kumar, they want to open an account in the name of Deepak Kumar at Delhi and they only will be responsible for that in every manner. As per the version of the complainant in the year 2008, Vishnu Kumar Gupta took him to Delhi and both of them in connivance with each other, got opened a Bank account in Punjab National Bank, Branch Chawal Bazar, Sadar Bazar, Delhi. They also got his signatures on forms and documents and also got issued one cheque book. Both these brothers also arranged for his identification in the Bank for the purpose of opening of account. They had got his signatures on all the blank cheques of his cheque book and sent him back to Abohar. As per the complainant, he never deposited cash amount in this bank account and this was operated by the present petitioners. In January 2016, he received notice from Income-Tax Department that transactions of ₹10 Crores had been carried out in his said account and he was asked to explain these transactions and also to file income-tax returns. It is also the case of the complainant that the petitioners have defrauded him.

At the time fo arguments, it was brought to my notice that first notice was given by the Income-Tax Department asking for the demand of ₹1 Crore on the basis of transactions from complainant Deepak Kumar. He received another notice from the Income-Tax Department on 21.12.2017 asking for more than ₹3,71,00,000/- as income-tax. As per the learned State counsel during investigation, it was found that these petitioners had transacted in the account opened in the name of Deepak Kumar and transactions of crores of rupees have been made from that account by forming shell companies.

Keeping in view the serious allegations against the present petitioners, they are required for custodial interrogation, therefore, I do not find it a fit case where the petitioners are entitled for the grant of anticipatory bail.

Therefore, finding no merit in this petition, the same is dismissed.

October 03, 2018. **(Inderjit Singh)**
Judge

hsp

NOTE: Whether speaking/reasoned: Yes
Whether reportable: No