

**IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH**

CRM-M-41149-2018
Date of decision: 24.09.2018

Anil Kumar

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Nonish Kumar, Advocate
for the petitioner.

Mr. Himmat Singh, DAG, Haryana.

Mr. Sudhir Hooda, Advocate
for the complainant.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this petition, filed under Section 438 Cr.P.C., is for grant of anticipatory bail to the petitioner in FIR No. 409 dated 27.07.2018 (Annexure P-1), registered under Sections 406, 420, 467, 468, 471, 506 and 120-B of the IPC at Police Station City, Yamuna Nagar.

As per the allegations in the FIR, the petitioner and his accomplices Naresh Kumar, Nishant Nagpal, Pankaj Birla and others are running the business of chit fund/committees and had induced the complainant and her husband to start a committee of ₹5,00,000/- with a monthly installment of ₹25,000/- for a period of 15 months and during this period, the member shall pool the committee/premium amount of ₹5,00,000/-. On the inducement of the petitioner and his accomplices, the complainant has paid a sum of ₹2,40,000/- in installments, as the accused persons promised her that they will return the amount on reaching the stage

of 8th installments and in that process even the accused persons have taken signatures of the complainant and her husband on some blank papers affixing revenue stamp and photographs and two blank cheques of ₹2,50,000/- each, two pronotes and certain printed forms on the pretext that these documents will be used as security of the amount of the chit fund/committee. It is further stated that similarly some other members of the committee are also allured to part away with their money and thereafter, in conspiracy with each other, the accused persons have misused the blank signed papers by converting it into agreement to sell for the sale of the house of the complainant, whereas, the complainant has never executed any agreement to sell or received the earnest money and on the basis of forged and fabricated documents, the accused persons have cheated the complainant.

Learned counsel for the petitioner submits that in fact it is a dispute arising out an agreement to sell and prior to the registration of the FIR in question, the petitioner has served a notice upon the complainant for executing the sale deed and thereafter, he has even filed a suit for specific performance. Therefore, the present FIR is nothing but a counter blast to the same.

Learned counsel for the petitioner has further submitted that the custodial interrogation of the petitioner is not required and he is ready to join the investigation.

In reply, learned State counsel, on instructions from ASI Dharam Pal, assisted by learned counsel for the complainant, opposed the prayer of the petitioner. It is submitted that not only the complainant herein but many other persons have been cheated by the petitioner and his

accomplishes while preparing different agreements to sell in a similar manner and about 10-15 complaints in different police stations of Yamuna Nagar have been filed against the accused persons and the same are still pending investigation with the police.

It is further submitted that an FIR bearing No. 386 dated 04.04.2018, registered under Sections 406 and 420 IPC is also registered against the accused persons at Police Station City, Jagadhri. Learned counsel for the complainant further submitted that even the anticipatory bail application of co-accused Naresh Kumar in aforesaid FIR No. 386 stands dismissed by this Court vide order dated 02.08.2018 passed in **CRM-M-26747-2018** observing that identical allegations have been levelled by some other complainants indicating that Naresh Kumar is indulged into committees duping other persons of huge amount, therefore, custodial interrogation would be required so as to unearth the entire details of the persons defrauded by him and for recoveries of defrauded amount.

Learned counsel for the complainant has further submitted that even said Naresh Kumar has also set up the defence of agreement to sell which shows that all the accused persons have a similar *modus operandi* of cheating victims.

After hearing learned counsel for the parties, I do not find any ground to grant anticipatory bail to the petitioner in the present FIR.

As per the Investigating Officer, recovery in the shape of blank cheques and other blank signed documents is to be effected from the petitioner as well as the details of the documents with which, other victims were cheated in a similar fashion are to be inquired into from the petitioner.

Mere filing of a civil suit for specific performance may be a defence in case

if it was a single instance whereas in the instant case, it is submitted that there are other complainants/victims who have been allured to part away with their money in a similar fashion by preparing the bogus agreements to sell while alluring them to participate in the chit fund/committees.

Therefore, without making any comment upon the merits of the case, considering the fact that serious allegations have been levelled against the petitioner and also in view of the fact that anticipatory bail application of co-accused Naresh Kumar has been dismissed in aforesaid FIR No. 386, which has been registered with similar allegations, no ground is made out to grant anticipatory bail to the petitioner herein.

The present petition is dismissed accordingly.

September 24, 2018

Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No