IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-45682-2018
Date of Decision: 17.10.2018

Rajesh Pandey ...**Petitioner**

vs.

State of Haryana ..**Respondent**

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Anil Shukla, Advocate
for the petitioner.

Mr. Ramesh Kumar Ambavta, AAG, Haryana.

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ARVIND SINGH SANGWAN,J

Prayer in this petition is for grant of anticipatory bail to the petitoner in case FIR No. 104 dated 07.03.2018 under Sections 406/409 and 420 IPC, registered at Police Station Kharkhoda, District Sonipat.

Counsel for the petitioner submits that as per allegations in the FIR, which is registered against 9 persons, the petitioner is the Chief Proprietor of Gab Gramya Vikas Credit Co-operative Society Ltd., which had opened a branch in Kharkhoda, District Sonipat and informed the complainant and others that society is having 20 % share of Government of Uttar Prasesh and some officers have been appointed by the Government of India. It is further alleged in the FIR that the officials of the Society allured the complainant and similarly situated other persons, who deposited their money with Society as an assurance was given that in case, the society fails to pay back the amount, the Government of Uttar Pradesh will be liable to refund the amount back because that Government is share holder. The complainant further alleged in the FIR that after collecting crores of rupees from the general public by issuing FDR and giving fake assurance that they will return money with higher rate of interest, the petitioner and other officials closed their offices/branches and even the employees were not paid their salary. Even the cheques given by the society were also dishonoured. It is, thus, stated by the complainant that by playing fraud with the general public, the accused persons have collected money.

Counsel for the petitioner submits that the petitioner has no role in functioning of the society after 2014, as per the resolution, he was removed from the post of chairmanship of the society and, thereafter, other resolution regarding the management of the society was passed on 21.01.2015 and new Directors of the Society were appointed. Counsel further submits that the petitioner has no role in the functioning of the society and in fact, one Raj Kumar Tewari was the Chairman of the Society who was responsible for its affairs.

Learned State counsel, on instructions from ASI Vijay Pal, has submitted that the accused persons, under the garb of the society, had unauthorizely conducted the bank business and have prepared the forged certificates claiming that society was authorized to do business in 11 States including Haryana.

It is further stated that number of persons have been duped of the amount which is more than Rs. 1 crore 14 lacs and the co-accused of the petitioner, Raj Kumar Tewari, on his arrest has suffered a disclosure statement that it was petitioner Rajesh Kumar Pandey @ Ashtha Buja Panday, who was the sole in-charge of the society and was authorized to withdraw the amount deposited by the society and worked as such till 2016, at the time the FDRs started to mature and it is, thus, submitted by learned State counsel that by giving fake documents and fake promise of giving higher rate of interest, many people were duped of their hard earned money by giving FDR which were forged by the accused persons and, therefore, custodial interrogation of the petitioner is required.

After hearing learned counsel for the parties, considering the serious allegations, I find it is a case where custodial interrogation of the petitioner is required, therefore, I find no ground to grant anticipatory bail to the petitioner.

Dismissed.

17.10.2018 **(ARVIND SINGH SANGWAN)**
smriti **JUDGE**

Whether speaking/reasoned : Yes/No.
Whether Reportable : Yes/No