

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M No. 47301 of 2017 (O&M)

Date of decision : 9.1.2018

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Jagdish Grover

.....Petitioner

vs.

State of Punjab and another

.....Respondents

Coram: Hon'ble Mr. Justice H. S. Madaan

Present: Mr. Prabhjot Singh, Advocate for the petitioner

Mr. Ramandeep Sandhu, Senior Deputy Advocate General,
Punjab.

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H. S. Madaan, J.

This petition for pre-arrest bail has been filed by petitioner – Jagdish Grover an accused in FIR No. 101 dated 22.9.2017 for offence under Section 420 IPC, registered with Police Station City Fazilka, District Fazilka.

Briefly stated, the facts of the case, as per prosecution story are that complainant Ashwani Kumar s/o Kashmiri Lal r/o Phase No. 1, Civil Lines, City Fazilka, had submitted a written complaint to SSP Fazilka, against Jagdish Grover, present petitioner, Seema

Doomra, Saifi, Harish Chander, Gogi Grover, Satish Kumar, Seema Rani and Raman Kumar, contending therein that he was introduced with accused Jagdish Grover by one Vinod Kumar on 25.12.2010 at Fazilka, who represented that he was originally resident of Jalalabad, but presently doing property dealer business at Mohali. Jagdish Grover represented to the complainant that he or his relatives by investing in the plots in Kharar or Mohali could earn a huge profit; that Jagdish Grover went to the house of the complainant on 26.11.2010 and had a talk in that regard. The complainant reposing trust in him handed over a sum of Rs. 1 lac to Jagdish Grover in the presence of his friend Satish Kumar. Later on at the asking of Jagdish Grover, the complainant went to Mohali at the residence of Jagdish Grover, where he met Seema Rani, Saifi, Harish Chander, Gogi Grover and Satish Kumar. They were introduced to complainant by Jagdish Grover and Jagdish Grover represented that he alongwith them was joint owner of 200 square yard plot situated in the area of Sunny enclave, Jhungian Road, Kharar and they offered to sell the said plot to the complainant. The deal was finally settled at Rs. 20,80,000/-. At the asking of accused Jagdish Grover, the complainant had deposited a sum of Rs.3,50,000/- in the account of Seema Doomra with Punjab National Bank at Jalalabad. It was so done by the complainant through RTGS on 21.1.2011. Then at the asking of Jagdish Grover, on 2.2.2011, the complainant transferred a sum of Rs.40,000/- each from accounts of his relatives Usha Rani and Anita Rani in the accounts of accused Raman Kumar and Seema Rani through NEFT. Thereafter, upon putting pressure by Jagdish

Grover, the complainant deposited a sum of Rs.50,000/- each in the account of Saifi and Harish Chander out of his joint account with his wife on 15.3.2011 and again deposited Rs.50,000/- each through NEFT in the account of accused Satish Kumar and Gogi Grover from the account of his relative Veena Rani. According to the complainant, thereafter Jagdish Grover came to Fazilka and took a sum of Rs. 5,40,000/- in cash and on 15.5.2011 he took Rs. 3, 10,000/- in cash, and on 23.12.2012 he took a sum of Rs. 5 lacs. In that way the complainant had paid Rs.20,80,000/- as price of the plot at Sunny Enclave, at Jhungian Road, Kharar. Later on complainant came to know that all the accused persons are related closely. Jagdish Grover had informed the complainant he he had received the entire amount, stating that he can get Rs.25,50,000/- for the plot. However, the complainant did not want to sell the plot and rather wanted to take its possession. The possession was not delivered to the complainant and finally it came out that Jagdish Grover had sold the plot to some other person for Rs.26 lacs. Then the complainant confronted him, Jagdish Grover deposited a sum of Rs. 2 lacs on 19.6.2014 i.e. Rs. 25,000/- each in the joint account of complainant and his relative Veena Rani and on 4.8.2014 deposited a sum of Rs.25,000/- each in the account of Usha Rani, a relative of complainant and on 24.10.2014 another sum of Rs.25,000/- in the account of Anita Rani and then on 4.11.2014 and on 17.1.2015 a sum of 25,000/- in the account of Veena Rani. However, he did not return the complete amount. The remaining amount was misappropriated by Jagdish Grover. The complainant got served a legal notice upon them, but to no effect.

After registration of the FIR, the matter was investigated. Apprehending his arrest in this case, the petitioner had approached the court of Sessions. However, his request for pre-arrest bail was dismissed by the Additional Sessions Judge, Fazilka, vide order dated 25.10.2017, as such he had knocked at the door of this Court craving for grant of pre-arrest bail.

Notice of the petition for pre-arrest bail in this Court has been given to the State.

I have heard learned counsel for the petitioner, learned State counsel, besides going through the record and I find that allegations against the petitioner are very grave and serious. He has fleeced the complainant, an innocent person of lacs of rupees on the pretext of purchasing a residential plot for him in Sunny Enclave, Kharar.

Learned State counsel has placed on file copy of the details of financial transaction between the complainant and his relatives on one side and accused and his relatives on the other side. Those details are on the letter head of Jagdish Grover and complainant is shown to be addressee. Accused is stated to have returned a sum of Rs.3,25,000/- in two installments to the complainant, whereas withholding amount of Rs.17,55,000/-. The petitioner is stated to have been granted interim bail by the Additional Sessions Judge, Fazilka and he had joined the investigation but had not got recovered the remaining money received by him and his relatives from the complainant and his relatives.

The pre-arrest bail is not be granted in routine but in

exceptional circumstances. It is well settled that custodial interrogation is more elicitation oriented since a person who is couched in comparative safety of pre-arrest bail, would certainly not disclose all the facts within his knowledge, which would be inculpatory for him. Custodial interrogation of the petitioner is definitely required for complete and effective investigation. In case custodial interrogation of the petitioner is denied to the investigating agency, that would leave many loose ends and gaps in the investigation, affecting the investigation being carried out adversely which is not called for.

Thus, finding no merit in the petition, the same stands dismissed.

(H.S. Madaan)
Judge

9.1.2018

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Whether speaking / reasoned

Yes / No

Whether reportable

Yes / No