IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M No.36607 of 2018 (O&M)
Date of Decision: 19.08.2019

Ram Saroop Aggarwal

.... Petitioner

Versus

State of Haryana

.... Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present:- Mr. Bipan Ghai, Senior Advocate assisted by
Mr. Paras Talwar, Advocate for the petitioner.

Mr. Arun Beniwal, DAG, Haryana for the respondent/State.

Mr. G.S.Sullar, Advocate for the complainant.

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MAHABIR SINGH SINDHU, J. (Oral)

Present petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in case bearing FIR No.348 dated 26.10.2015, under Sections 406 and 420 of the Indian Penal Code, 1860 *(for short 'IPC')* (Section 120-B, IPC added later on), registered at Police Station Ambala Cantt.

The sole contention raised on behalf of the petitioner is that he is 80 years of age and his health condition is deteriorating day-by-day.

Learned State Counsel, on instructions from S.I. Naresh Kumar, has submitted that petitioner is not co-operating with the Investigating Officer despite numerous opportunities.

Heard both sides and perused the paper-book.

This Court, on 27.08.2018, passed the following order:-

> *"Heard.*
>
> *Learned counsel for the petitioner submits that petitioner is father of Ashok Aggarwal, who is main accused. He is 80 years of age and has no concern with business of Ashok Aggarwal. He has been named only to put pressure on other accused.*
>
> *Notice of motion for 20.11.2018.*
>
> *Petitioner is directed to surrender before the police and join investigation within two weeks. In the event of his arrest being required, he shall be released on interim bail till the next date, subject to his furnishing bonds to the satisfaction of Arresting Officer. However, he shall abide by the terms and conditions as envisaged under Section 438(2)(i) to (iv) Cr.P.C. failing which he shall lose the benefit of interim bail allowed to him.*
>
> *Be listed alongwith CRM-M-20063-2018."*

As per affidavit dated 24.07.2019 of Mr. Manoj Yadava, Director General of Police, Haryana, filed in the connected case bearing CRM-M No.20063 of 2018, an amount of more than ₹ 80 Lakh has been transferred in the account of petitioner by his son/co-accused and as such, his connivance for the commission of offence is duly proved at this stage. Thus, the contention raised on behalf of the petitioner while issuing notice of motion on 27.08.2018 that he has no concern with the business of his son/co-accused Ashok Aggarwal is misplaced and without any substance.

Sufficient opportunities have already been granted to the petitioner to co-operate with the Investigating Officer, but he is not coming forward to join the investigation while taking the plea of his old age.

No doubt, the age of the petitioner is a relevant factor for consideration of his prayer for pre-arrest bail, but the facts of the case clearly reveal that he along with his son/co-accused has committed the criminal breach of trust and cheated to more than 300 defence personnel and swindled their hard earned money, running into more than ₹ 39 Crores.

A bare perusal of details, provided regarding the 28 bank accounts of all the accused, further reveal that in bank Account No.30473305375, maintained by the petitioner with State Bank of India, Ambala Cantt., an amount of ₹ 89,64,500/- has been transferred during the period 21.02.2015 to 07.10.2015 on different occasions. The modus operandi of the accused is that petitioner along with Ashok Aggarwal and Manoj Aggarwal used to make entries of the amount received from the victims; affix the stamp of Firm (WET CANTEEN, 14 (1) ARMD BDE) and put the signatures on the pocket diary as token of receipt of the money. During investigation, it has been found that petitioner actively participated in the commission of offence along with other co-accused and an amount of more than ₹ 39 Crores had been transferred into 28 different bank accounts, pertaining to their family members as described in Chart, attached with aforesaid affidavit of DGP, Haryana.

Keeping in view the facts that present scam is running into more than ₹ 39 Crores and an amount of more than ₹ 80 Lakh had been transferred in the account of petitioner, but despite sufficient opportunities, he is not cooperating with the investigation of the case, therefore, his custodial interrogation is required to unearth the same. Hence, this Court is left with no option except to dismiss the present petition.

Ordered accordingly.

The above observations may not be construed as an expression of opinion on the merits of the case.

August 19, 2019 **(MAHABIR SINGH SINDHU)**
Gagan **JUDGE**

Whether speaking/reasoned	*Yes*
Whether Reportable	*Yes*