

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

**CRM-M-21161-2019
Date of decision: 15.05.2019**

Arun Kaushik

...Petitioners

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Ms. Suman Bishnoi, Advocate for
Mr. S. K. Birla, Advocate
for the petitioner.

Mr. Naveen Sheoran, DAG, Haryana.

Mr. Abhishek Sindhvani, Advocate
for the complainant.

ARVIND SINGH SANGWAN, J. (Oral)

The petitioner prays for grant of anticipatory bail in FIR No. 409 dated 27.07.2018 under Sections 406, 420, 467, 468, 471, 506 and 120-B of the IPC, registered at Police Station Jind City, District Jind.

Learned counsel for the petitioner submits that there is no direct allegation against the petitioner and he has falsely been implicated in this case.

In reply, learned State counsel, on instructions from ASI Ram Roop, assisted by learned counsel for the complainant, however, submits that the anticipatory bail application of co-accused Ravinder has been dismissed by this Court on 09.04.2019 by passing the following order in CRM-M-15436-2019:

“Learned counsel for the petitioner submits that as per the FIR, which was registered by one Atam Parkash, the allegations are that the accused persons are running a

firm under the name and style of Skytech International Company and had given assurance to the complainant and other victims that their money will be invested in national and international market and in turn, they will earn double amount of interest. The complainant and other victims have invested huge amount in the firm on asking of the accused persons, as detailed in the FIR, however, later on, they came to know that the accused persons have floated fake firm by preparing false documents and have cheated the complainant and other victims. Learned counsel for the petitioner has submitted that in fact, after the firm was opened in the name and style of Skytech International Company, Jind, the petitioner retired from the same on 24.12.2015 by settling the account with co-accused Arun Kaushik and thereafter, he has no concern with the firm. It is further argued that in the complaint, 04 persons are named i.e. Arun Kaushik, Swati wife of Arun Kaushik, Mahesh Kaushik, Shyamlata wife of Mahesh Kaushik and the petitioner is not named in the complaint filed before the Magistrate or in the FIR, which was registered subsequently. Learned counsel further submits that the police served a notice to the complainant and is likely to arrest him and therefore, the petitioner is entitled to anticipatory bail and is ready to join the investigation. In reply, learned State counsel, on instructions from ASI Ram Roop Singh and assisted by learned counsel for the complainant, has however submitted that during the investigation, it is found that petitioner Ravinder and Arun Kaushik had started the aforesaid firm and the petitioner had obtained the amount from 13 victims against receipts, which is to be recovered. Learned State counsel has placed on record photocopy of the certain receipts, which are issued by the petitioner subsequent to the alleged retirement, as per his affidavit dated 24.12.2015. It is further submitted that in fact, this affidavit is just an eyewash and even subsequent thereto, the petitioner was receiving the amount on behalf of Skytech International Company. Learned State counsel has further submitted that the firm has received total sum of Rs.90.00 lacs and there are more than 06 victims, who have joined the investigation and made statements against the petitioner. Learned counsel for the complainant has also argued on the similar lines that in fact, the petitioner is still working as an active partner of the firm and has created the false documents just to escape his liability. It is further submitted that the petitioner has committed fraud of Rs.21.00 lacs with the victims by opening a fake firm with commitment to give double amount of interest and has usurped the amount. After hearing learned counsel for the parties, considering

the serious allegations against the petitioner, I find that it is a case where custodial interrogation of the petitioner is required, therefore, finding no ground to grant him anticipatory bail, present petition is dismissed.”

Learned State counsel as well as learned counsel for the complainant submit that it is specifically mentioned that the petitioner has signed 31 receipts against which, he along with co-accused has received a huge amount from the victims.

After hearing learned counsel for the parties, considering the fact that there are serious allegations against the petitioner in the FIR regarding committing a fraud of ₹68 Lakh and also in view of the fact that anticipatory bail application of co-accused Ravinder has already been dismissed by this Court as noticed above, this Court finds no ground to grant the concession of anticipatory bail to the petitioner.

Accordingly, this petition is hereby dismissed.

15.05.2019

Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No