

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-6339-2018 (O&M)
Date of Decision:-10.4.2019

Surender

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Abhishek Goyal, Advocate for the petitioner.

Mr. Ashok Singh Choudhary, Addl. Advocate General, Haryana.

GURVINDER SINGH GILL, J.(Oral)

The petitioner seeks grant of anticipatory bail in a case registered against him vide FIR No.674 dated 12.12.2017, Police Station Katwali, Faridabad, District Faridabad, under Sections 406, 420, 506 and 120-B of Indian Penal Code, 1860.

The FIR was registered at the instance of Deepak, wherein it has been alleged that Vishal Beniwal, Kharag Singh, Tarun Chauhan, Surender Attri and Bhisham Chauhan had floated a company i.e “*Hello Distribution Pvt. Ltd.*” and the said persons approached the complainant asking him to work for them and to deposit an amount of Rs. 20,000/-, as security in their company, while assuring the complainant that he would get a monthly salary of Rs. 20,000/-. The complainant was told that he would have to enroll 500 members in their company and each of the said member

would have to deposit an amount of Rs. 1,000/- each for 17 months and that some prizes would also be given to the depositors on the basis of a monthly draw and that in case any person remains unsuccessful in the draws, he would at a later stage, be given 32 inches LED TV of Hello Company. The complainant alleged that he accordingly got enrolled 400 members in the said company, who deposited an amount of Rs. 1,000/- each for 17 months. It is alleged that accused had, in all, enrolled 21,000 members. It is alleged that later when the period of 17 months expired and the 400 members inducted by complainant started demanding 32 inches LED TV, accused kept on dilly dallying the matter. It is thus alleged that the accused had defrauded the said 400 persons and committed breach of trust and had usurped their amount.

The learned counsel for the petitioner has submitted that petitioner cannot be said to be an accused in the present case as he himself is an aggrieved person as his amount has also been usurped by the accused Bhisham Chauhan. Learned counsel has further submitted that the amount allegedly received by the petitioner had been received by him on behalf of the main accused as the petitioner was working as an employee in the company in question and had no say or control in the affairs of the company and as such cannot be held liable in any manner.

Opposing the petition, learned State counsel has submitted that the petitioner cannot be said to be merely as an “employee” of the company and that during the investigation, the memorandum of association of the company has been collected, which clearly shows that there were five Directors in the Board of Directors of the company amongst which Surrender

Singh is also specifically named as a Director. Learned State counsel has further informed that during the course of investigation it had surfaced that petitioner by way of bank transaction had received an amount of Rs. 12.5 lakhs from the company's account which would clearly show his complicity as the said amount cannot be said to be merely towards his salary. It has also been informed that the bail application of the co-accused Bhisham Chauhan, Vishal Beniwal and Kharak Singh already stands dismissed vide judgment dated 23.10.2018 passed by this Court. It has further been submitted that antecedents of the petitioner do not warrant granting of any concession of anticipatory bail as he has already been declared proclaimed person in another identical case i.e. in FIR No.1452 dated 5.12.2017, registered at Police Station City, Ballabagarh.

Having considered rival submissions addressed before this Court and bearing in mind the enormity of scam and also that the petitioner was actively associated with the company being one of the Director and also that bail of the identical situated co-accused already stands dismissed, no special case for grant of anticipatory bail is made out.

The petition is sans merit and is dismissed.

10.4.2019

rakesh

Whether speaking /reasoned

Whether Reportable

(Gurvinder Singh Gill)
Judge

Yes / No

Yes / No