IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

1. CRM-M-26494-2019 (O&M)
Date of decision : 04.09.2019

Rakesh Kumar Aggarwal ...Petitioner

Versus

State of Haryana ...Respondent

2. CRM-M-15445-2019 (O&M)
Date of decision : 04.09.2019

Umesh ...Petitioner

Versus

State of Haryana and another ...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL.

Present: Mr. Narender Pal Bhardwaj, Advocate for the petitioner.
(In CRM-M-26494-2019)

Mr. R.D. Bawa, Advocate for the petitioner
(In CRM-M-15445-2019)

Mr. Manish Bansal, DAG, Haryana.
****

ANIL KSHETARPAL, J.

By this order, CRM-M-26494-2019 and CRM-M-15445-2019 shall stand disposed of.

In both the petitions, prayer is to grant pre-arrest bail to the petitioners namely Rakesh Kumar Aggarwal and Umesh.

As per the case of the prosecution, Neelam Saini-first informant got lodged the FIR alleging that her husband was initially pursuaded by late Sh. Vishal Saini to get a loan for purchase of a truck. Sanjay Saini was impressed upon that there is huge recurring income in the business of transportation. Vishal Saini, thereafter, introduced Sanjay Saini to Rajesh Bhatia who is running a provision store and is also simultaneously engaged in the business of transportation. Both of them again impressed upon her husband that there is good income in the business of transportation and they would arrange a loan from Canara Bank, Baldev Nagar Branch, Ambala as they have a understanding with the Manager of the Bank, Rakesh Kumar Aggarwal, petitioner in one of the case. Thereafter, Rakesh Kumar Aggarwal-Bank Manager also assured that the transportation business has a good potential and there would be good recurring income. Application was moved for sanction of the loan but later on Bank Manager informed that the loan cannot be exclusively sanctioned in the name of the husband Sanjay Saini and, therefore, it would be necessary to include the name of first informant. Thereafter, joint account was opened, Rajesh Bhatia, Vishal Saini and Manager Rakesh Kumar Aggarwal got signed some cheques from her husband. Thereafter, all three of them conspired with Umesh and they obtained the loan which had been sanctioned on the basis of fake documents. They also got transferred an amount of ₹24,12,000/- from account of the first informant and her husband to the account of fake firm-M/s Yashoda Motors which was created by them. Apart from that, ₹4,40,000/- was got transferred by preparing a draft in favour of M/s Mewa Singh and brother, Sarhind.

Police after investigation found that a fake firm-M/s Yashoda Motors was created and more than ₹24,00,000/- were transferred to the account of the fake firm. Police after investigation found the offence of fraud and cheating against the petitioners. Rakesh Kumar Aggarwal is the Bank Manager whereas Umesh is the person in whose name the fake firm

M/s Yashoda Motors was floated and account opened and amount transferred. During the pendency of the present petition, Superintendent of Police, Ambala was requested to file affidavit. It has come in evidence that the amount of ₹10,00,000/- each was ultimately transferred in the accounts of Rajesh Bhatia and Vishal Saini.

Learned counsel for the Bank Manager-Rakesh Kumar Aggarwal has stated that his client was discharging his duties as a Bank Manager and he had taken all the precautions.

On the other hand, learned counsel for the petitioner-Umesh has stated that petitioner is not involved in the case and it is handy work of Rajesh Bhatia, late Sh. Vishal Saini and Bank Officer-Rakesh Kumar Aggarwal.

After taking into consideration the submissions of the learned counsel for the parties, this Court is of the view that in the present case, it would not be appropriate to grant concession of pre-arrest bail to the petitioners. Custodial interrogation in the present case would be necessary.

In view thereof, both the petitions are dismissed.

04.09.2019 **(ANIL KSHETARPAL)**
Pawan **JUDGE**

Whether speaking/reasoned:- **Yes/No**

Whether reportable:- **Yes/No**