

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

CRM-M-29917-2019 (O&M)

Date of Decision:- 23.7.2019

Dinesh Kumar

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Aditya Jain, Advocate for the petitioner.

Mr. Ashok Singh Choudhary, Addl. A.G. Haryana.

Mr. Amit Sharma, Advocate for the complainant.

GURVINDER SINGH GILL, J.(Oral)

1. The petitioner seeks grant of regular bail in respect of a case registered against him vide FIR No.106 dated 1.8.2017 under Sections 420, 467, 468, 471, 120-B of Indian Penal Code, 1860 and under Section 3 of the Haryana Protection of Interest of Depositors in Financial Establishment Act, 2013 at Police Station City Sohna, District Gurugram.
2. The FIR was lodged on the basis of a complaint dated 1.8.2017 submitted by Chanderpal Saini and other investors wherein it has been alleged that the accused had usurped an amount to the tune of ₹ 15-20 crores of the investors and had cheated innocent, gullible investors including the complainant. It has further been alleged that Sanjay Singh Mewara, Chairman of M/s Shree Ram Real Estate and Business Solution Ltd., M/s Ananya Group of Companies, M/s Herbal Fleet, M/s Sai Ram Buildtech, M/s Shree Ram Multiproducer Co. Ltd., M/s Samradiya Group Pvt. Ltd. and Deepak Kumar

Dangi, Mohsin, Talib, Mushid Khan, Rajesh Kumar, Ashwinder Singh Jadon, Hans Raj, all Directors of the said company had grabbed the amount of investors. It is alleged that in 2012, the accused met the complainant and who represented that they will provide more interest from the bank on FD and RD and the money will become payable in 5 years 6 months. Deepak and Mohsin induced them to deposit money and on the basis of assurance of the said Deepak and Mohsin, complainant invested money in their company but when the maturity period was over and complainant sought his matured amount, the accused persons avoided payment of the same and pressurized all the complainants. Later, the accused issued some cheques which have been dishonoured. The allegations of cheating, fraud and forgery have thus been raised against the accused by the investors.

3. The learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in the present case and that he is neither any Director or any office bearer of the company and has no stake in the company and in these circumstances, he cannot be held responsible for any of the alleged financial irregularities allegedly committed by the company. It has also been submitted that infact the innocence of the petitioner would be evident from the fact that he himself had lodged a complaint with the police on 7.6.2018 against Sanjay Singh Mewada, Chairman of M/s Shree Ram Real Estate and Business Solution, M/s Ananya Group of Companies, M/s Herbal Fleet, M/s Sai Ram Buildtech, M/s Shreeram Multiproducer Co. Ltd., M/s Samradiya Group Pvt. Ltd.; and Harion Saini, Deepak Dangi, Mohsin Hussain and other unknown persons.

4. The learned State counsel, while opposing the petition, has submitted that infact the petitioner is founder member of the company and infact apart from recovery of ₹ 1 lac having been made from the petitioner, there is also evidence to show that another amount of ₹ 3.5 lacs was transferred in the personal account of the petitioner, which was infact the amount invested by the investors. It has further been submitted that infact the petitioner was part and parcel of the colossal scam wherein an amount of approximately ₹283 crores, which was the amount invested by innocent investors had been usurped by the accused.
5. Having considered rival submissions addressed before this Court and while bearing in mind that the petitioner was one of the founder members of the firm who has duped gullible investors of huge amount, the complicity of the petitioner is evident. As far as the contention of the petitioner that he had himself filed a complaint against the Chairman of the company, a perusal of the said complaint (Annexure P-4) would show that the same was sent to SHO on 7.6.2018 whereas the present FIR came to be lodged much earlier i.e. on 1.8.2017. The aforesaid complaint dated 7.6.2018 (Annexure P-4), if any, filed by the complainant was apparently an attempt to build up his defence after the FIR came to be lodged. I do not find any case for grant of regular bail.
6. There is no merit in the petition and is dismissed.

23.7.2019

kamal

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned
Whether Reportable

Yes / No
Yes / No