IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M No.37902 of 2019 (O&M)
Date of decision: 27.11.2019

Rammani Pandey

….Petitioner

Versus

State of Haryana

….Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. R.S. Cheema, Sr. Advocate
with Mr. Munish Gulati, Advocate
for the petitioner.

Mr. Naveen Sheoran, DAG, Haryana.

Mr. Gautam Dutt, Advocate
for the complainant.

ARVIND SINGH SANGWAN J.

The petitioner has filed this petition under Section 439 of the Code of Criminal Procedure, 1973 (in short 'Cr.P.C.') for grant of regular bail in FIR No.216 dated 04.06.2019 registered under Sections 464, 465, 468, 469, 384, 385, 388, 389, 420, 506 and 511 read with Section 120-B of the Indian Penal Code, 1860 (in short 'IPC') at Police Station Udyog Vihar, Gurugram.

The arguments of both the parties were heard at length, spread over for 04 dates.

The allegations as per the FIR, registered at the instance of the complainant – Ashok Sehrawat, Chief General Manager of India Bulls Limited, are that India Bulls Company is a leading business group of India in April, 2019 at the reception of office, a call from some unknown person was received, who requested to transfer his call to a senior person in Finance Liaison Department. When repeated calls was received by the Receptionist, the same was transferred to the complainant. The said person introduced himself as a well-wisher of India Bulls Company and stated that he is in possession of many internal details/documents which can damage the company as he can circulate the same to various department and destroy the reputation of India Bulls group of company. When the complainant requested him to disclose his identity, he informed that *for that purpose, he should meet him*. The complainant, initially, considered the call to be a hoax call and ignored the same. On the next day, again he received a call wherein the caller repeated the same story and threatened to fulfill his illegal demand and on asking, he disclosed his name as Vikas Shekhar and further said that it is in the interest of the complainant that he should discuss it with some senior official. He also gave two contact numbers i.e. 98994-19447 and 98702-78925 and further instructed them to call only on the WhatsApp number. It is further stated that the said person threatened the complainant, not to inform the police in any manner. On 27.05.2019, the senior of the complainant Anil Malhan received a call from a person named Vikas Shekhar on WhatsApp number and he repeated the same story that his colleague i.e. complainant Ashok did not respond to his demand and he is not taking the issue seriously. Anil Malhan was threatened with serious consequences. Upon which, Anil Malhan told him that the company is doing the business as per the rules and regulations. However, he insisted on fulfilling his demand of paying him money. Upon which, he was asked to call him later. On the next date, Anil Malhan discussed the matter with the complainant and directed him to call Vikas Shekhar to check his antecedents or meet him. On the next day, again a call was received and Rs.10 crores was demanded in two parts. It was stated that Rs.5 crores be paid when the meeting is to be done and the caller will show the copy of the complaint already sent to the various government department and the second installment of Rs.5 crores is to be paid upon withdrawal of the complaint letters, which is sent to the various government departments. Therefore, the complainant and Anil Malhan finding that Vikas Shekhar and his associates have formed a gang of blackmailers/cheaters, who are openly threatening the people in the society by creating false evidence or making false complaints and distorted reports of the complainant company are extorting money for their personal financial gain and causing wrongful loss to the investors/company/public at large. It was prayed that the FIR be registered in this regard.

Learned Senior counsel for the petitioner has argued that, thereafter, the police conducted the investigation and during the investigation, it was found that Dr. Kislay Pandey is running a firm i.e. Managium Juris LLP Company Limited and Vikas Shekhar is a partner in the said firm. It is further submitted that the petitioner – Rammani Pandey is the father of Dr. Kislay Pandey. During the investigation, Vikas Shekhar was arrested and he made a disclosure statement indicting Dr. Kislay Pandey as a person on whose instance, he has committed the offence. The Investigating Officer has also recorded the statements of some of the witnesses i.e. Parul Popli, Advocate, Siddharth Yadav, Advocate, who are also working in the said firm i.e. Managium Juris LLP Company Limited and in their statement recorded under Section 161 Cr.P.C., they have indicted Dr. Kislay Pandey and the petitioner – Rammani Pandey as the main accused persons. It is further argued that even the statement of Abhay Yadav was also recorded to the same effect.

Learned Senior counsel for the petitioner has further argued that the petitioner – Rammani Pandey was arrested on 27.06.2019 from Lucknow, Uttar Pradesh and the police apart from his personal belonging, has recovered a sum of Rs.41,74,000/- (and as the petitioner could not account for the money, the same was taken as a case property) along with the identity card, allegedly issued from Bar Council of Uttar Pradesh which, later on, was found to be a fake document. It is further submitted that during the investigation, a disclosure statement of the petitioner was recorded on 28.06.2019 by ASI Rajinder in presence of a witness. The disclosure statement of the petitioner, reads as under:-

> *"For the last few years, I am pursuing some cases relating to bank and finance company in the Courts at Delhi. Last year, I came in contact with Neel Terrance Aslam, Data Manager of Cobra Post. We both have close relation with some officers of the Income Tax Department and with their help, we both obtain the data of the bank, finance company as well as other companies and on the basis of the data, we are blackmailing the companies. These persons have given me the data of DHFL Finance*

Company. They visited my office and both discussed regarding the DHFL Finance Company and both informed that the complaints will be sent to the government officials against DHFL Finance Company and in this regard, help will be taken from media and social media so that it is defamed and the value of the share may fall, in the share market. If on the basis of the complaints, the concerned persons of DHFL may contact them, then the demand for a huge amount will be made and in case, they do not agree, on the basis of the data, a petition will be filed in the Supreme Court and they will be forced to pay a hefty amount.

Thereafter, in the name of Vikas Shekhar, complaints were given to the higher officers against DHFL Company and later on, a petition was also filed in the Hon'ble Supreme Court. After the complaints were given against DHFL Company, on its behalf, Devi Dass and one person named Khandelwal, came to their office and paid amount in 08 installments. While receiving this amount, Neel Terrance Aslam, Vikas Shekhar, myself and my son Kislay Pandey were present in the office. In this manner, we received 50 crores rupees from DHFL Company. Out of which, 15 crores rupees were given to Neel Terrance Aslam and I and my son got 35 crores rupees. Out of which by paying 90 lacs rupees, I booked an office in Supertech Supernova Kalindi Kunj and paid 10 lacs *rupees in cash to Anuj Sharma and Kirti of Supertech company, who were working in the Sales Department. 5 lacs were paid to Vikas Shekhar. I do not remember the details of the remaining amount, I can tell later on.*

Thereafter, Neel Terrance Aslam of Cobra Post asked to work on India Bulls Company, upon which I and my son Kislay Pandey and Vikas Shekhar accepted his proposal.

Thereafter, this year in April, Neel Terrance Aslam of Cobra Post came to my office and held a meeting with me. My son and Vikas Shekhar also joined the meeting. It was agreed that the complaints and petitions will be filed in the name of Vikas Shekhar and Vikas Shekhar was also asked to keep his brother Kunal Shekhar on stand-by for filing the petitions or giving the complaints and in this regard many times, I talked to Kunal Shekhar. As per the plan, first the complaints were given against India Bulls Company and thereafter, on WhatsApp call, a demand was made to pay Rs.10 crores. When India Bulls Company registered an FIR and we received information then, we prepared for filing a petition before the Supreme Court against India Bulls Company, in the name of Vikas Shekhar but in the meantime, we got the information that Vikas Shekhar has been arrested by the Gurugram Police. Thereafter, I and my son called each other on WhatsApp and one Abhay Yadav, resident of

Delhi Cantt. was called in my office. The office staff were asked to get signatures of Abhay Yadav. I and my son Kislay Pandey, during the discussions, told Abhay Yadav that the case of domestic violence, which is pending with his wife, the same is to be filed immediately in the Court and on that pretext, by calling Abhay Yadav in the office, his signatures were obtained on the papers. The petition, which was prepared in the name of Vikas Shekhar by changing the name of the petitioner, Abhay Yadav was made a petitioner and the same was filed before the Supreme Court. The media was informed in this regard. Due to which, the investors of India Bulls Company within two weeks suffered a loss of Rs.7500 crores. Thereafter, we came to know that Abhay Yadav has filed an application before the Supreme Court for withdrawing the said petition then, I and my son, immediately in the same petition filed a petition in the name of Kunal Shekhar before the Supreme Court and by giving him allurement of payment of money, obtained his signatures. Thereafter, India Bulls Company did not contact us. On the basis of fake figures, I and my son contacted Wikileaks4india and Satender Upadhyay and by paying him huge amount, a video was uploaded against India Bulls Company on Youtube and Facebook. Satender Upadhyay after uploading the video gave information to us.

Apart from this, I have taken 08 mobile SIMs from *one Ashwani and his colleagues, who belong to Agra, which I can get recovered from village Dhukhiyapur, Allahabad where my parents are residing. The fake record prepared against India Bulls Company was obtained from Neel Terrance Aslam and the same is in my laptop. We used to do WhatsApp call and extortion call from one mobile phone which was taken in the name of Vikas Shekhar. Some of the fake documents regarding India Bulls Company are lying at my Allahabad house and I can get it recovered. We, in a calculated and planned conspiracy have involved many persons in the fake proceedings, in which many petitions and complaints, filed in the name of persons and I and my son used to sign some of them. Some of the petitions are to be filed today which are kept at my Noida residence and I can get it recovered."*

Learned Senior counsel for the petitioner has argued that the 161 Cr.P.C. statement of two persons i.e. Puneet Verma and Siddharth, who have also indicted Vikas Shekhar, the petitioner and his son Dr. Kislay Pandey are identical in nature and are recorded by ASI Munesh, who has not conducted the investigation in a proper manner.

Learned Senior counsel for the petitioner has further submitted that during the investigation, from the laptop of the petitioner/accused, it is found that he has made fictitious phone calls to about 2200 persons and details of which is available on the laptop. In some of the phone calls, the petitioner has impersonated himself as the Assistant Solicitor General of India as well as the Vigilance Officer of

Central Government.

Learned Senior counsel for the petitioner has also argued that during the investigation, the police has also found that in the laptop of the petitioner/accused, the details of the applications which were given by one Alka Rani, against the former Hon'ble Chief Justice of India, regarding sexual harassment is also found and even the print out of her affidavit was also obtained from the said laptop. However, no further action was taken by the Investigating Officer to find out any larger conspiracy of the said letter.

Learned Senior counsel has further argued that the co-accused Vikas Shekhar has been granted the concession of regular bail by the Court of Sessions observing that since the challan has been presented and also observing that Vikas Shekhar was working as a Clerk in the firm owned by the petitioner and his son Dr. Kislay Pandey.

Learned Senior counsel for the petitioner has further submitted that in the present case, the report under Section 173 Cr.P.C. demonstrates that the investigation is conducted by an incompetent person in a shoddy and unprofessional manner and the only evidence against the petitioner is the disclosure statements. It is also argued that it would be a matter of trial, if the offence under Section 384 IPC is made out or not and all other offence are triable by a Magistrate. It is further argued that the petitioner is in custody since 27.06.2019 and not required for further investigation.

Learned Senior counsel for the petitioner has, thus, argued that the order dated 27.07.2019 passed by the Additional Sessions Judge, declining the prayer for regular bail is factually not based on correct facts. The operative part of the said order, reads as follows:-

> ***"....7.*** *In this context, first of all this court finds it appropriate to maintain that the accused/petitioner who is 60 years old is proclaiming himself to be a practicing advocate before Hon'ble Supreme Court but during the investigation it has transpired that he is doing legal practice on the basis of a fabricated bar council license and this fact has not been disputed even by learned counsel for the accused. The only argument advanced by learned counsel for accused in this context is that the accused will have to face the consequences of the said fabrication and this fact does not have any bearing on the merits of this case and this court finds that a person who has been appearing even up to Hon'ble Apex Court i.e. to the highest Court of the country on the basis of a fake license, he does not deserved to be released on bail at this stage. Besides it, it would also not be out of place to maintain that present accused has not been arrested in this case only rather numerous FIR have already been registered against him in various police stations of New Delhi and details of all those FIR have been incorporated in the history record of the accused which is maintained by Delhi police and copy of the said record has been submitted in the Court during the arguments which despite that numerous FIRs have been registered against him under Section 420, 419, 320 IPC along with various other provisions of Indian Penal Code. This fact also establishes that every time when he is released on bail, he has mis-utilised the said concession and this court is apprehensive of the fact that in case he is again released on bail then he shall again involve in illegal activities and it is for the betterment of the society that he is kept in custody for ready reference the detail of the cases registered against*

him are detailed as under;

Sr. No.	Case Type	No.	PS	Act/Sec	Dated	Court
1.	FIR	580/2006	NA	170, 419, 406, 420 384, 120B IPC	18.07.2006	KARKARDOOMA, COURT, DELHI, DELHI.
2.	FIR	643/2006	NA	170,406,419, 4 20,384,120B IPC	18.07.2006	KARKARDOOMA, COURT, DELHI, DELHI.
3.	FIR	CC 10/2005	NA	170,419,420, 1 20B,106 IPC	07.08.2005	KARKARDOOMA, COURT, DELHI, DELHI.
4.	FIR	CC No.575/2007	NA	138 NI ACT	07.08.2007	KARKARDOOMA, COURT, DELHI, DELHI.
5.	FIR	22/07	NA	138 NI ACT	31.08.2007	KARKARDOOMA, COURT, DELHI, DELHI.
6.	FIR	4040/2006	NA	357 CRPC	31.08.2006	KARKARDOOMA, COURT, DELHI, DELHI.
7.	FIR	4039/2006	NA	357 IPC	04.09.2006	KARKARDOOMA, COURT, DELHI, DELHI.
8.	FIR	4038/2006	NA	357 IPC	04.09.2006	KARKARDOOMA, COURT, DELHI, DELHI.
9.	FIR	Suit N.260/03/02	NA	138 NI ACT	04.09.2007	TIS HAZARI COURT DELHI, DELHI.
10	FIR	95/2002	NA	336,506,34 IPC 27 A ACT	04.09.2002	KARKARDOOMA, COURT, DELHI, DELHI.

***8.** Another important circumstnace of the present case is that there is apprehension that accused/petitioner might be involved in preparation of a false complaint against Chief*

Justice of India as during investigation print of the said application along-with affidavit of the complainant have been takenout from the mobile of the accused/petitioner and the investigating agency wants to conduct the inquiry with regard to to the fact that as to whether the said complaint was sent from the mobile of the accused and this is a very serious charge against the accused which also disentitles him from getting the discretionary relief of bail.

9. *Although another accused Vikas Shekhar has been admitted to bail by this Court but the role assigned to the present accused is absolutely different from the role assigned to him as in the bail order of accused Vikas Shekhar it has been specifically maintained that he was only a stoop in the hands of present accused and his son (who has left the country after registration of FIR) whereas actually the accused/petitioner along-with his son are the kingpin of this extortion gang which has been indulged in extracting money from various people. During the arguments learned counsel for the complainant had produced a detailed chart containing the name of various persons who have been engaged by the accused in order to send false criminal complaints against the individuals as well as the established companies so that money can be extracted from them and the said chart has been placed on the file and besides it learned counsel has also palced on file a copy of order dated 11.03.2019 passed by Shri Sanjay Garg Special Judge (PC Act) CBII, Dwarka Courts, New Delhi wherein the present accused Rammani Pandey has been shown to be bail where as his other associate Ram Niwas Dhuriya and Sanju Pandey were marked as absent. From perusal of the said order it is apparently clear that the accused is facing trial before CBI Court as well and in all these circumstances which have been discussed above this Court finds that* *administration of justice does not require that accused should be released on bail and the bail application stands dismissed. File be consigned to record room after due compliance."*

Learned Senior counsel for the petitioner has also submitted that in the list given by the Public Prosecutor regarding the pendency of the other cases, two case pertains to the complaint under Section 138 of the Negotiable Instruments Act, 1881 and in one case, the petitioner stands discharged and in the other FIR, the case is pending at the stage of the trial and no conviction order against the petitioner has been passed, so far.

On other hand, learned counsel for the State has filed the affidavit of the Assistant Commissioner of Police, Udyog, Gurugram and as per the affidavit, the petitioner was actively involved in commission of the offence as he was making WhatsApp call to the complainant and Anil Malhan in the name of Vikas Shekhar and demanded a sum of Rs.10 crores in two parts from the complainant, therefore, the FIR was registered and during the investigation, Sections 419/467/468/469/471/476/385/388/389/420/406/511/120-B IPC and 66-D of the Information Technology Act were also added in the present FIR. It is further stated that even as per the disclosure statement of the co-accused Vikas Shekhar, it has come that all the letters, on the basis of which the complainant Company was blackmailed, were drafted by the petitioner and his son (another co-accused) Dr. Kislay Pandey to extort money and have used to sign those documents. It is also stated that after the arrest, the important and valuable documents were recovered from the petitioner along with the mobile phones, laptop, number of SIM cards, were recovered from the petitioner.

It is further stated in the affidavit that on verification by the Investigating Officer from the Bar Council of Allahabad High Court, they found that the petitioner is using a fake registration No.2182 of 1982 which was, in fact, in the name of Ms. Prem Mishra and therefore, the petitioner was found using a fake identity card, posing himself as an Advocate. In para 7 of the affidavit, it is stated that upon verification, the petitioner is found involved in following criminal cases:-

S. No.	FIR No. and Date of FIR	Police Station	Under Sections
1.	95/2002 dated 29.03.2002	Seema Puri, North East, District Delhi	Offences under Section 336 and 506 of IPC and Section 25, 27, 29-B, 54/59 of the Arms Act
2.	RC6(E)/EOW/2002/ DLI	CBI Case	Offences under Section 409/420/467/468/471 IPC R/W Section 13(2), 13 Cr. R. No.29/13 1/11 (1) (d) of the Prevention of Corruption Act
3.	580/2006 dated 30.08.2006	Seema Puri, North East, District Delhi	Offences under Section 170, 406, 420, 419 and 120B of IPC
4.	643/2006 dated 04.10.2006	Seema Puri, North East, District Delhi	Offences under Section 406, 420, 120B of IPC
5.	364/2011 dated 21.09.2011	Seema Puri, North East, District Delhi	Offences under Section 420, 468, 471 and 120B of IPC
6.	FIR No.RC-4 (E) 2002-EOU-1-D and charge sheet No.6/2004 submitted on 21-7-2004	In the court of Special Judge, CBI, Patiala, House Court, New Delhi.	

It is also stated that the petitioner do not have a good antecedents and his son – Dr. Kislay Pandey has fled abroad and despite efforts, he has not been arrested, so far and therefore, it is prayed that the present petition be dismissed as it will hamper the arrest of his son – Dr. Kislay Pandey.

Counsel for the complainant has also filed affidavit of complainant and made arguments on similar line. It is also argued by counsel for the complainant that even against the son of the complainant, some FIRs are registered and the petitioner is the mastermind of the extortion racket, which is being run by the father and son.

Counsel for the complainant has further argued that, in fact, Abhay Yadav was used as a puppet by the petitioner and Dr. Kislay Pandey, who are running a firm i.e. Managium Juris LLP Limited and by involving persons, who had no knowledge about their illegal intentions, they are filing the petitions against the complainant Company, one of which was withdrawn by Abhay Yadav, on coming to know that he has been made a scapegoat by the petitioner and his son.

Counsel for the complainant has further argued that the petitions filed by the petitioner and his son in the name of Abhay Yadav, D.R. Niwas, Kunal Shekhar and 04 other petitions were withdrawn on 15.07.2019 and 22.07.2019 as all the petitioners, on coming to know about the fraud played with them, moved applications before the Hon'ble Supreme Court for withdrawal of their petitions.

Counsel for the complainant has further argued that the petitioner and his son by posing innocent persons as whistle-blowers have been misusing the process of law and even one CWP No.9987 of 2019 filed before the Delhi High Court in the name of Citizen Whistle-blowers was filed on the behest of the petitioner and his son – Dr.

Kislay Pandey and associates, which in verbatim was the same petition, which was filed in the name of Abhay Yadav before the Hon'ble Supreme Court, in which the complainant has appeared and has moved an application under Section 340 Cr.P.C. for taking action against the petitioner.

Counsel for the complainant has, thus, argued that looking at the serious allegations against the petitioner, the *modus operandi* of the petitioner and his son, who is absconding from the process of law, the present petition may be dismissed.

In reply, counsel for the petitioner has argued that since the investigation is complete, the petitioner may be released on regular bail.

After hearing the learned counsel for the parties, I find no ground to grant regular bail to the petitioner for the reasons that there are serious allegations in the FIR. During the investigation, it has come that the petitioner, by using a fake identity of the Bar Council of Allahabad, is posing himself as a fake Advocate and in fact, had been appearing before the Courts. Secondly, the petitioner and his son have filed multiple litigations before the High Court of Delhi and the Hon'ble Supreme Court in the name of different persons and some of the litigations were withdrawn by the original person, when they came to know about the same. It has also come in the investigation that from the laptop of the petitioner some incriminating evidence has come regarding a complaint made against the former Chief Justice of India and as per the affidavit of the Assistant Commissioner of Police, Udyog, Gurugram, further investigation is to be carried out after the arrest of the son of the petitioner – Kislay Pandey.

The affidavit further show that number of cases are pending against the petitioner. Apart from the own disclosure statement of the petitioner, the statement of the witnesses under Section 161 Cr.P.C. also indicts him as a mastermind with his son to blackmail and extort money from the complainant and the other companies. Considering the fact that son of the petitioner has run away abroad and is absconding from the Court proceedings, I find no ground to grant the concession of regular bail and the petition is accordingly, dismissed.

Nothing observed herein shall have any bearing on the merits of the case as the same is only for the purpose of deciding the bail application.

(ARVIND SINGH SANGWAN)
JUDGE

27.11.2019
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Whether speaking/reasoned Yes/No

Whether reportable Yes/No