IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

(1) CRM-M-1890-2020

Parveen Kumar

...Petitioner

Versus

State of Haryana

...Respondent

(2) CRM-M-2626-2020

Vinod Kumari

...Petitioner

Versus

State of Haryana

...Respondent

Date of decision:-12.3.2020

CORAM: HON'BLE MR.JUSTICE H.S.MADAAN

Present: Mr.K.B. Raheja, Advocate
for the petitioner in CRM-M-1890-2020.

Mr.Sumeet Goel, Advocate
for the petitioner in CRM-M-2626-2020.

Ms.Harpreet Kaur, AAG, Haryana.

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H.S. MADAAN, J.

By this order, I shall dispose of two petitions i.e. CRM-M-1890-2020 filed by petitioner – accused – Parveen Kumar and CRM-M-2626-2020 filed by petitioner - accused – Vinod Kumari for grant of regular bail in case FIR No.72 dated 21.2.2019 for the offences under Sections 406, 420, 120-B IPC, registered with Police Station Hisar Civil Lines, District Hisar.

Briefly stated, facts of the case as per prosecution version are that complainant Ram Gopal Jindal son of late Sh.Nanak Chand Jindal, resident of House No.1491, Urban Estate-2, Hisar, aged about 66 years had submitted a written complaint to Incharge, Police Post, PLA, Hisar against Kamal Nayan Minocha of Nation's Holy Co-operative (Urban) SETC Society Ltd., Congress Bhawan, Hisar that he was not returning his amount.

Inter alia in the complaint, the complainant submitted that he and his family members had deposited their money with the abovesaid concern; the amounts were being withdrawn from the account by them; on 1.2.2019 when he went to withdraw the amount from the society, he found the premises of society to be locked; on inquiry from the neighbourhood, the complainant came to know that Kamal Nayan Minocha along with his family had gone to Mumbai, where he was running transport company in which his family members were directors and he had invested the amount of depositors with the society in his transport business and rather he was planning to go abroad.

On the basis of such complaint, formal FIR was recorded. Both the petitioners were arrested on 5.11.2019.

Both the petitioners had filed petitions for grant of regular bail in the Court of Sessions but were unsuccessful there, as such, they have approached this Court with the same request.

Notice of the petitions was given to respondent – State and counsel representing the State has put in appearance.

I have given a thoughtful consideration to the rival contentions besides going through the record.

Though Parveen Kumar is not named in the FIR but as it transpired during the investigation, Parveen Kumar had been working as Cashier with the society of which accused Vinod Kumari was President. Anu Minocha wife of Kanwal Nayan Minocha used to withdraw the money from the society after signing the cheques. In terms of the bye-laws of the society, only an amount to the extent of Rs.20,000/- could be withdrawn but petitioners Parveen Kumar and Vinod Kumari along with their co-accused had withdrawn total amount of Rs.13 crores 14 lakhs and 78,000/- from different bank accounts of the society. After being arrested in this case, Parveen Kumar and Vinod Kumari were interrogated, during the course of which, they had suffered separate disclosure statements. Vinod Kumari had got recovered Rs.8,500/- from her house, whereas accused Parveen Kumar had got recovered Rs.3,400/- from his house. In that way, the involvement of both the petitioners in the scam running into crores of rupess is there. The petitioners along with their co-accused had duped and cheated innocent investors of their hard earned money. They cannot be shown any leniency since if it is so done, it may encourage the potential criminals to adopt path of crime and start cheating private individuals as well as public institutions. As has been noticed by learned Sessions Judge, Hisar while dismissing the bail applications of the petitioners, Parveen Kumar has violated the terms and conditions of the bye-laws of the society by signing the bearer cheques some times of the amounts of Rs.3 lakhs and Rs.5 lakhs, whereas in terms of the bye-laws of the society, amount more than Rs.20,000/- could not have been withdrawn in cash. Petitioner Vinod Kumari as President of the society had also been signing the bearer cheques for withdrawal of the money.

After hearing the rival contentions of learned counsel for the parties, I find that keeping in view the gravity of offence, which cannot be taken lightly and the apprehension expressed by the State counsel that if petitioners are granted bail, there is every likelihood to their absconding and even tampering with the prosecution evidence cannot be brushed aside lightly, the petitions are bound to fail.

Therefore, finding no merit in the petitions, the same stand dismissed.

However, the trial Court is directed to conclude the trial expeditiously by giving short adjournments. The adjournments be granted for justifiable reasons only, which are to be recorded in the interim orders.

12.3.2020 **(H.S.MADAAN)**
Brij **JUDGE**

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No