

CRM-M-5788-2020

Date of decision: 28.05.2020

Girish Sharma and another

....Petitioners

versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH**Present:** Mr. Namit Khurana, Advocate
for the petitioners.Mr. Baljinder Singh Virk, DAG, Haryana
for the respondent-State.**FATEH DEEP SINGH, J.(ORAL)**

Due to the outbreak of pandemic COVID-19, the instant case is being taken up for hearing through video conferencing.

The present regular bail application under Section 439 Cr.P.C. of the father-son duo namely, Girish Sharma and Anurag Sharma has come about in the present case bearing FIR No.543 dated 25.08.2017 under Sections 409, 420, 467, 468 and 471 of the Indian Penal Code registered at Police Station Sonipat City, District Sonipat.

The brief allegations are that the present case was got registered on the complaint of one, Jai Bhagwan, who alleged that one society under the name and style of Gab Gramya Vikas Credit

Co-operative Society Limited, Lucknow, who is registered in Uttar Pradesh was illegally carrying on business in the State of Haryana as well and inciting people to open saving account, fixed deposits and recurring deposits promising high rate of interest on the deposits. It is on the basis of this representation, the gullible victims started depositing their valuable money through the petitioners, Girish Sharma, who happened to be the Chief Manager and Anurag Sharma who is Zonal Manager, who had each received Rs.15-16 lacs to 10-11 lacs, individually. It is alleged that under such garb, the society had amassed crores of rupees from the people in the two states. It is subsequent thereto, the Society and its members, suddenly vanished and thus, cheated the poor depositors of their money which were never returned to them. Subsequently, it has transpired that the society had prepared forged documents to carry on with this racket. The petitioners were arrested on 30.11.2019.

Mr. Namit Khurana, Advocate for the petitioners *inter alia* contends that the co-accused of the petitioners has since been allowed regular bail by the Courts and that the petitioners are in custody since a long time and had nothing to do with the functioning of the society as they have resigned way back in July, 2016 and were never entrusted with the working in the State of Haryana where the present case has been got registered and, therefore, prayed for grant of bail.

The learned State counsel has opposed the relief of bail

on the grounds of seriousness of the allegations and that huge amount of money has been embezzled by deception and fraud ranging over the two states of Haryana and Uttar Pradesh and if allowed bail, there is every likelihood that the petitioners would stifle the trial.

Going through a thoughtful consideration to the submissions of the two sides what reflects that a well entrenched conspiracy has been hatched by various persons in active connivance with each other, by virtue of which, an illegal society was formed and which carried on operations illegally, even in the State of Haryana, when it was not authorized to do so. The petitioners are inseparable functionaries of their society, entrusted with various tasks of being Zonal Manager, Chief Manager and thus, given active participation and impetus to the wrong doings of the society. The mere fact that petitioners have relinquished from their job much prior to the filing of the present complaint are matters of evidence as the transactions have been carried on over a long period of time. The petitioners cannot drive any benefit out of parity, with their co-accused, who has been allowed regular bail by the Court below. Moreover, keeping in view such rampant rackets that have come to plague the society, impels this Court to take a strict view of this act, else the poor people would be left in a lurch, also belittling the course of justice. More so, the apprehensions of the State that if allowed bail, there is every likelihood that the petitioners would influence

the trial. This Court, in light of the same, does not feel inclined to grant the bail and thus, the present petition stands dismissed.

28.05.2020
Neha

(FATEH DEEP SINGH)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No