IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

107 **CRM-M No.13386 of 2020**
Date of Decision: 02.06.2020

SHANKAR SINGH . .....Petitioner

Vs

STATE OF HARYANA .....Respondent

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present: Mr.Jagdish Manchanda, Advocate
for the petitioner.

Mr. Anant Kataria, DAG, Haryana.

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<u>RAJ MOHAN SINGH, J.(Oral)</u>

The case has been taken up for hearing through video-conferencing.

Petitioner seeks grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.28/2020 dated 15.1.2020 registered under Sections 406, 419, 420, 120-B, 201 IPC at Police Station Dabua, District Faridabad.

FIR was registered at the instance of Molly Roy wife of Siddharth Roy. She has invested total amount of Rs.20,93,626.20 by different transactions at the instance of different persons including the petitioner. Complainant has named Anita Rai, Raj Kumar Maurya, S.K.Gandhi, Prabhat Rana, Manish, Aakash Chaudhary, Rajat Bhatia etc. Name of the petitioner has not been mentioned in the FIR nor any attribution has been shown vis-a-vis the amount paid by the complainant to the petitioner. For the last three years, the complainant had invested different amounts in different policies . In January 2016, the complainant raised a request to surrender policy of Tata AIA Life Insurance Policy. She received a call from Richa Chaudhary, claiming hereself to be Tata AIA employee. Richa Chaudhary told the complainant that in order to surrender TATA AIA policy, she will have to make some other investments and only then she could withdraw consolidated amount. On 23.2.2016, an amount of Rs.86,228/- was deposited in an account given by the aforesaid Richa Chaudhary towards the investment in Reliance Communication Centres. This was again followed by more transactions as per asking of aforesaid Richa Chaudhary and her partners, to other companies over the next 2 years. In the month of March, 2018, the complainant received a call from Anita Rai claiming herself to be an employee of Income Tax Department. She also introduced one Raj Kumar Maurya as her colleague to the complainant. On their asking, some payments were made towards GST. In July, 2019, Raj Kumar Maurya again asked the complainant to make payment of Rs.2,07,990/- to the account in the name of Homigo Services and the said amount was paid by the complainant on 12.7.2019. Raj Kumar Maurya again introduced one S.K. Gandhi to the complainant alleging him to be an employee in Reserve Bank of India. S.K.Gandhi in turn introduced one Prabhat Rana to the complainant. On a call from Prabhat Rana, the complainant was apprised that the case file has been handed over to one Aakash Chaudhary in Reserve Bank of India. Thereafter, the complainant again received a call from Aakash Chaudhary, who informed her that the complainant is not required to pay any fee for the removal of S.K.Gandhi and Raj Kumar Maurya as their names are coming up for the payment of commission. Aakash Chaudhary informed the complainant that the case has been sent to the Ministry of Finance for approval and the person in charge would be Rajat Bhatia. Thereafter, the complainant received a call from Rajat Bhatia, who asked for issuance of NOC and for making payment of Rs. 4,65,443/-. In the evening itself, the complainant received a call from Prabhat Rana to whom the complainant showed her unwillingness to pay the amount. Prabhat Rana offered to pay Rs.2,00,000/- to the account number given by Rajat Bhatia. The complainant informed Prabhat Rana about her decision not to pursue the matter further being not in a position to arrange the amount. The complainant also called Rajat Bhatia to convey her inability to make any more payments and he told the complainant that an enquiry could be started by the department legal team including police personals. Thereafter, the complainant received a call from Aakash Chaudhary and she apprised him and asked him to close the file. He asked the complainant to make part payment of Rs.70,000/-, but the complainant refused. The last conversation took place between the complainant and Prabhat Rana on 21.12.2019.

A bare persual of the FIR would show that the name of the petitioner has not figured in the aforesaid number of transactions nor any payment is shown to have been made to the petitioner.

Learned counsel for the petitioner states that challan has already been presented. Recovery of Rs.1,20,000/- has been shown from the petitioner. Petitioner is in custody since 15.2.2020.

Per Contra, learned State Counsel states that as per his instructions, an amount of Rs.5,00,000/- was paid by the complainant to the petitioner. In the FIR as well as in the report under Section 173 Cr.P.C., no such fact has come on record except that an amount of Rs.1,20,000/- stands recovered from the petitioner. After filing of the challan, charges have not been framed. The offence is triable by the Magistrate. Trial of the case may take some time in its conclusion.

In view of aforesaid situation, it would be just and appropriate to release the petitioner on regular bail.

Accordingly, this petition is allowed. Petitioner is ordered to be released on regular bail, subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate, concerned.

Nothing expressed hereinabove would be construed to be an expression of any opinion on merits of the case.

June 02, 2020 **(RAJ MOHAN SINGH)**
anita **JUDGE**

Whether speaking/reasoned Yes/No

Whether reportable Yes/No