203IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-14303 of 2020 (O&M)
Date of Decision: 15.10.2020

Mukesh Tyagi

...Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present:- Mr. Y.D. Kaushik, Advocate, for the petitioner.
Mr. Rajat Gautam, DAG, Haryana.
Mr. Deepender Singh, Advocate, for the complainant.

DEEPAK SIBAL, J. (ORAL)

Case taken up through Video Conferencing.

Reply filed by the State by way of affidavit dated 12.10.2020 of Ms.Dhaarna Yadav, Assistant Commissioner of Police, Mujesar, Faridabad, is taken on record.

Through the present petition filed under Section 438 Cr.P.C. the petitioner seeks the grant of anticipatory bail in FIR No.188 dated 01.03.2020, registered under Sections 406 and 506 IPC at Police Station Mujesar, District Faridabad.

The case of the prosecution is that the petitioner was running a chit fund scheme/kitty under which he was collecting money from the members of such scheme/kitty; the complainant, who was one such member, had given to the petitioner an amount of ₹8.00 lakhs which in spite of repeated demands was not returned by the petitioner and investigations conducted so far have revealed that there were at least four more persons who also alleged that the petitioner had cheated them in a similar manner.

Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the case; under the interim orders passed by this Court he has joined the investigation; there is no case of similar nature against him; the only other criminal case against the petitioner being FIR No.541 dated 13.07.2017 already stands cancelled; the four persons who say that they have also been duped by the petitioner and whose statements are now sought to be relied upon by the State did not file any complaint against him and that their statements have been got recorded after the filing of the present petition only to get the present petition dismissed.

Learned State counsel seeks dismissal of the petitioner's anticipatory bail petition by submitting that in the present case the petitioner had initially approached the Trial Court for anticipatory bail and such petition was dismissed by the Trial Court on the ground that the petitioner had evaded to appear before the investigating agency as also for the reason that recovery of relevant documents and money allegedly swindled by the petitioner was required to be made; even when this Court granted the petitioner interim stay he did not cooperate with the investigating agency and such conduct of the petitioner stands duly recorded in the order passed by this Court on 14.08.2020; the petitioner has collected lakhs of rupees under the chit fund scheme/kitty and cheated several persons including the complainant, Ajay Tewari, Shankar Singh, Kailash Chawla and Vinay Gupta; two more FIRs have/had been lodged against the petitioner under Sections 420, 406 and 506 IPC; in FIR No.541 dated 13.07.2017 registered under Sections 420, 406 and 506 IPC the petitioner was alleged to have fraudulently taken ₹35.00 lakhs for securing employment to the son of the complainant therein and after the lodging of the FIR the petitioner returned the accepted money and on that basis such FIR was cancelled; the second FIR being FIR No.450 dated 03.09.2020 under Section 406, 506 and 420 IPC IPC contains similar allegations against the petitioner as in the present FIR; in that case also his petition for anticipatory bail has been dismissed by the Trial Court on the ground that the petitioner did not cooperate with the investigating agency.

The case of the prosecution is that the petitioner has defrauded several members of the chit fund scheme/kitty being run/organised by him. Investigations conducted so far have revealed that as many as five persons have been cheated by the petitioner of lakhs of rupees. Two FIRs (including the present one) containing similar allegations are pending against the petitioner and in neither of them has the petitioner cooperated with the investigating agency.

In another case being FIR No.541 dated 13.07.2017 the petitioner was alleged to have fraudulently taken ₹35 lakhs from the complainant therein after alluring him with regard to getting employment for the complainant's son in the Indian Railways. After lodging of the FIR he returned the complainant's money and only for that reason such FIR was cancelled. Nonetheless, this shows that the petitioner is habitual of committing fraud.

Whether other members of the chit fund scheme/kitty being run/organised by the petitioner have been defrauded by the petitioner needs to be investigated; the investigating agency needs to find out if other persons are involved in the crime; the documents maintained by the petitioner with regard to collection and return of money from the members of the chit fund scheme/kitty needs to be recovered and gone into; income tax details with regard to collection and disbursement of money under the aforesaid scheme also need to be investigated and the money which the petitioner is refusing to return to the complainant and the aforesaid four persons remains to be recovered. These issues are inclusive and not exhaustive.

In the light of the above discussion custodial interrogation of the petitioner is considered necessary.

Dismissed.

(DEEPAK SIBAL)
JUDGE

October 15, 2020
R.S.

Whether speaking/reasoned Yes/No

Whether Reportable Yes/No