# In The High Court for the States of Punjab and Haryana
# At Chandigarh

CRM-M-17328-2020 (O&M)
Date of Decision:- 25.11.2020

Dinesh Kumar … Petitioner

Versus

State of Haryana ... Respondent

**CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL**

Present:- Mr. Harsh Aggarwal, Advocate, for the petitioner.

Ms. Sheenu Sura, DAG, Haryana.

*(Proceedings conducted through video conferencing)*

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**GURVINDER SINGH GILL, J**. (Oral)

1. The petitioner seeks grant of regular bail in respect of a case registered against him vide FIR No.106 dated 1.8.2017 under Sections 420, 467, 468, 471, 120-B of Indian Penal Code, 1860 and under Section 3 of the Haryana Protection of Interest of Depositors in Financial Establishment Act, 2013 at Police Station City Sohna, District Gurugram.

2. Status report by way of affidavit of Pankhuri Kumar, HPS, Assistant Commissioner of Police, Gurugram has been filed, the same is taken on record.

3. The FIR was lodged on the basis of a complaint dated 1.8.2017 submitted by Chanderpal Saini and other investors wherein it has been alleged that the accused had usurped an amount to the tune of ₹15-20 crores of the investors and had cheated innocent, gullible investors including the complainant. It has further been alleged that Sanjay Singh Mewara, Chairman of M/s Shree Ram Real Estate and Business Solution Ltd., M/s Ananya Group of Companies, M/s Herbal Fleet, M/s Sai Ram Buildtech, M/s Shree Ram Multiproducer Co. Ltd., M/s Samradiya Group Pvt. Ltd. and Deepak Kumar Dangi, Mohsin, Talib, Mushid Khan, Rajesh Kumar, Ashwinder Singh Jadon, Hans Raj, all Directors of the said company had usurped the amount of investors. It is alleged that in 2012, the accused met the complainant and represented that they will give more interest on the investments made with them than FDs made in Banks and that the money will become double in 5 years 6 months and triple in 6 years and 6 months. Deepak and Mohsin induced them to deposit money and on the basis of assurance of the said Deepak and Mohsin, complainants invested money in their company but when the maturity period was over and complainant sought his matured amount, the accused persons avoided payment of the same and also misbehaved with the complainants. Later, the accused issued some cheques which have been dishonoured. The allegations of cheating, fraud and forgery have thus been raised against the accused by the investors.

4. The learned counsel for the petitioner has submitted that he is nowhere named in the FIR and has been nominated as an accused on

the ground that he had served the company as a Manager for a few months in the year 2015 and also on account of the fact that he is alleged to be a promoter of one of the companies namely M/s Sri Ram Multi Producer Company Ltd. It has further been submitted that the petitioner as on date has been behind bars since the last about 1 year and 10 months and that in any case he deserves the concession of bail on the grounds of parity since several of his co-accused including the ones who were named in the FIR i.e. Sanjay Mewara, Virender Rana, Titu Ram, Deepak Dangi, Muhseen Husain and Talib Husain, have already been released on bail.

5. Opposing the petition, the learned State counsel has submitted that since during the course of investigation it has surfaced that the petitioner had a key role to play being a promoter and share holder/Director of M/s Sri Ram Multi Producer Company, which had got an amount of ₹6.43 crores invested from gullible investors, no case for grant of bail is made out. Learned State counsel in this regard has referred to paras No.7 to 9 of the status report filed today and the same reads as under:

> "7. That it came forth during investigation that the petitioner Dinesh Kumar is the promoter and shareholder/Director in the accused company i.e. as per Document available as Annexure R-1 M/s Shri Ram Multi Producer Co. Ltd. and that the said company obtained an amount of Rs.6,43,30,275/- in cash from as many as 5120 investors, by alluring them on the pretext of higher rates of interest, but he has not returned

the money of these investors. He also did not reply as to where he has used the said money.

8. That it has further come forth during investigation that the petitioner has worked a Branch Manager as per the Annexure R-2 in M/s Sai Ram Builtech, sister concern of the above mentioned Shri Ram Multi Producer Company, from June 2015 to December 2015. A huge amount of money is invested by the people in the said company as well.

9. That in view of the above, it is submitted that the petitioner was having the knowledge that the cheating is being done with the public by alluring them to invest their money in M/s Shri Ram Multi Producer Co. Ltd. Thus, he cannot escape from the crime committed by him by taking the unscrupulous plea in the present petition for regular bail."

6. Learned State counsel has however, informed that the petitioner has been behind bars since the last about 1 year and 10 months and that as many as 472 witnesses have been cited and till date not even a single PW has been examined.

7. Having regard to the facts and circumstances of the case especially while bearing in mind the custody period of the petitioner and while noticing that a large number of PWs have been cited by the prosecution which will take a substantial time for conclusion of trial, further detention of the petitioner will not serve any useful purpose. The petitioner in any case is entitled to be granted bail on the grounds of parity since several of his other co-accused who are named in the

FIR have already been ordered to be released on bail. The petition, as such, is accepted and the petitioner is ordered to be released on bail subject to his furnishing bail bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned. The Court, accepting the sureties shall thoroughly satisfy itself regarding the liquidability of the properties furnished as sureties and as and when any such assets are offered as surety/security, the trial Court may adjourn the matter as per its convenience to seek requisite verification in respect of the same. Needless to mention, it shall be open to the Trial Court to impose any other condition as deemed fit so as to ensure regular presence of petitioner.

**November 25, 2020**
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**(GURVINDER SINGH GILL)**
**JUDGE**

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| Whether speaking /reasoned | Yes / No |
| Whether Reportable | Yes / No |