IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

1. CRM-M-17531-2020 (O&M)
Date of decision : 25.09.2020

Vinod Sharma

...Petitioner

Versus

State of Haryana and another

...Respondents

2. CRM-M-25145-2020 (O&M)
Date of decision : 25.09.2020

Randhir Singh

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Lekh Raj Sharma, Advocate for the petitioner
(In CRM-M-17531-2020)

Mr. Tejinder Pal Singh, Advocate for the petitioner
(In CRM-M-25145-2020)

Mr. Chetan Sharma, AAG, Haryana.

Mr. Sukhwinder Singh Nara, Advocate for the first informant
(In both the cases)

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ANIL KSHETARPAL, J. (ORAL)

By this order, two petitions bearing CRM-M-17531-2020 and CRM-M-25145-2020, filed under Section 438 Cr.P.C., for grant of anticipatory

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bail to each of the petitioner in a criminal case arising from FIR No.43, dated 11.02.2020, registered under Sections 120-B, 406, 420 of the Indian Penal Code, 1860, at Police Station Naraingarh, District Ambala, shall stand disposed of.

As per the case of the prosecution, the petitioners along-with certain other accused formed the **Nationalized Bank Employees and other Public Cooperative T. and C. Society Limited, Tehsil Naraingarh, District Ambala** and swindled approximately Rs.32,00,00,000/-, after luring residents of the area to deposit the amount in Fixed Deposit receipts, promising higher returns as compared to nationalized banks. Keeping in view seriousness of the case, Senior Superintendent of Police, was directed to get the investigation conducted under the supervision of a Gazetted Officer.

In response thereto, various status reports by way of affidavit of Deputy Superintendent of Police, District Ambala, have been filed. It has been pointed out in the recent status report that two accused namely Sunil Kumar Diwan and Rasal Chand, have been arrested and as of now, the depositors are alleged to have been duped of a sum of Rs.32,00,00,000/-. A Special Investigating Team has also been constituted to go deep into the matter. It has further been pointed out that the members of the Managing Committee of the Society invested the amount in the factories in the State of Himachal Pradesh and purchase of various other immovable properties. The details of certain properties have been disclosed in para 9(h) of status report, dated 23.09.2020.

This Court has heard learned counsel for the petitioners as well as the Assistant Advocate General, Haryana, assisted by Mr. Sukhwinder Singh

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Nara, Advocate, who had appeared for the first informant.

On the one hand, learned counsel appearing for the petitioner-Vinod Sharma, has contended that the petitioner, no doubt was the Vice President of the Society, at one point of time but thereafter he severed his connections with the society. He further submitted that the petitioner is not the beneficiary of the ill-gotten money. Similarly, learned counsel representing the petitioner-Randhir Singh, has submitted that the petitioner was merely a part-time employee of the Society and, therefore, he has been falsely implicated.

On the other hand, Sh. Chetan Sharma, Assistant Advocate General, Haryana, while drawing the attention of the Court to various status reports filed, has submitted that Vinod Sharma, had been investing the ill-gotten amount in purchase of immovable property in his own name or in his wife's name individually as well as jointly along-with Sunil Diwan and his other family members. The attention of this Court has been drawn to a tabulated information compiled by the Investigating Agency, which is extracted as under:-

S. No.	***Details of property***	***Owner's Name***	***Place where property situated***	***Remarks***
1	Commercial shops (03) in which Society office was functioning earlier	Sharda Rani wife of Vinod Sharma, Suman Dewan wife Sunil Dewan	Naraingarh	Now sold out
2	Plot measuring 600 sq. yards	Sharda Rani wife of Vinod Sharma, Suman Dewan wife Sunil Dewan	Himsikha, Pinjore (PKL)	Now sold out
3	18 acres agriculture land	Sunil Dewan and his family members, Rashal Chand, his wife Kamlesh, Kuldeep	Village Araiawala (Khijrabad-Yamuna Nagar)	Now sold out
4	One room set	Suman Dewan wife Sunil Dewan	Housing society Kala-Amb (HR)	

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5	6 marlas land	Vinod Sharma	Kala-Amb (HR)	
6	One showroom	Suman Dewan wife Sunil Dewan	Bilaspur (YNR)	
7	H.No.92-B	Vinod Sharma	Professor Colony, YNR	
8	H.No.849	Rashal Chand	Sector-17, HUDA, Jagadhri	
9	H.No.759	Sunil Dewan	Sector-17, HUDA Jagadhri	
10	M/s Bioconic Remedies (Factory)	Sumit Dewan son of Sunil Dewan (33% share)	Industrial Area-Ponta Sahib (HP)	
11	Shivam Enterprises (Factory)	Vipin Kumar son of Rashal Chand, Sahil Dewan son of Sunil Dewan (30% share of each)	Kala-Amb (HP)	
12	4 acres agriculture land	Suman Dewan wife of Sunil Dewan and other relatives	Vill-Tamnouli-Barara (Ambala)	Sold out
13	One flat	Suman Dewan wife of Sunil Dewan	Surya Housing Society Faridabad	Sold out
14	One plot	Sunil Dewan	Sadoura (YNR)	
15	School	Sunil Dewan and others	Mahrishi International Public School-Gharounda (Karnal)	Sold out
16	Plots (02) + 01 Booth	Suman Dewan wife of Sunil Dewan and others	Booth No.209-Sector TDL-C, Plot No.1281, Sec.17 & 2095, Sec.18- HUDA-Jagadhri	Sold out
17	06 acres land agriculture	Sunil Dewan and others	Ranjitpur (Bilaspur-YNR)	Sold out

He further submitted that Randhir Singh, although pursuant to the order of the Court, did come forward to join the investigation, however, when he was asked to give the sample of his handwriting, he did not come forward. He further pointed out that as per the record of the office of Registrar,

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Cooperative Society, the petitioner-Randhir Singh, is working as Accounts Manager in the Society and, therefore, his custodial interrogation is necessary to unearth the entire scam. He submitted that the petitioner-Randhir Singh, if permitted to be interrogated, can throw light on the modus operandi adopted to siphon off the huge amount which belongs to the residents of the area.

This Court has considered the submissions of the learned counsel.

From the various status report filed, it is apparent that huge amount is said to have been swindled. It has been pointed out that the scam may turn out to be of more than Rs.100 Crores. As of now, approximately 300 Investors, who have lost their deposits, have come forward.

Still further, both the petitioners are connected with the management and running of the society. Vinod Sharma, at one point of time, was the Vice-President of the Society whereas Randhir Singh is alleged to be working as Accounts Manager.

In view thereof, this Court does not find it appropriate to grant the concession of pre-arrest bail to the petitioners.

Hence, both the petitions are dismissed.

All the pending miscellaneous applications, if any, are disposed of, in view of the aforesaid order.

25.09.2020 **(ANIL KSHETARPAL)**
Pawan **JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No

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