IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRM-M-29759-2020 (O&M)
Date of Order:25.09.2020

Rakesh Kumar Aggarwal **..Petitioner**

Versus

State of Haryana **..Respondent**

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Sukhdev Singh Khokher, Advocate, for the petitioner.

Mr. Chetan Sharma, AAG, Haryana

ANIL KSHETARPAL, J(Oral)

Hearing of the case was held through video conferencing on account of restricted functioning of the Courts.

This is the second petition for grant of pre-arrest bail to the petitioner in a criminal case arising from FIR No.106, dated 08.03.2019, registered under Section 406/420 IPC, at Police Station Baldev Nagar, District Ambala.

The first application for grant of pre-arrest bail to the petitioner and other accused was dismissed on 04.09.2019, with the following order:-

> *"By this order, CRM-M-26494-2019 and CRM-M-15445-2019 shall stand disposed of.*
>
> *In both the petitions, prayer is to grant pre-arrest bail to the petitioners namely Rakesh Kumar Aggarwal and Umesh.*
>
> *As per the case of the prosecution, Neelam Saini-first informant got lodged the FIR alleging that her husband was initially pursuaded by late Sh. Vishal Saini to get a loan for purchase of a truck. Sanjay Saini was impressed upon that there is huge recurring income in the business of transportation. Vishal Saini, thereafter, introduced Sanjay Saini to Rajesh Bhatia who is running a provision store and is also simultaneously engaged in*

the business of transportation. Both of them again impressed upon her husband that there is good income in the business of transportation and they would arrange a loan from Canara Bank, Baldev Nagar Branch, Ambala as they have a understanding with the Manager of the Bank, Rakesh Kumar Aggarwal, petitioner in one of the case. Thereafter, Rakesh Kumar Aggarwal-Bank Manager also assured that the transportation business has a good potential and there would be good recurring income. Application was moved for sanction of the loan but later on Bank Manager informed that the loan cannot be exclusively sanctioned in the name of the husband Sanjay Saini and, therefore, it would be necessary to include the name of first informant. Thereafter, joint account was opened, Rajesh Bhatia, Vishal Saini and Manager Rakesh Kumar Aggarwal got signed some cheques from her husband. Thereafter, all three of them conspired with Umesh and they obtained the loan which had been sanctioned on the basis of fake documents. They also got transferred an amount of Rs.24,12,000/- from account of the first informant and her husband to the account of fake firm M/s Yashoda Motors which was created by them. Apart from that Ra.4,40,000/- was got transferred by preparing a draft in favour of M/s Mewa Singh and brother, Sarhind. Police after investigation found that a fake firm-M/s Yashoda Motors was created and more than Rs.24,00,000/- were transferred to the account of the fake firm. Police after investigation found the offence of fraud and cheating against the petitioners. Rakesh Kumar Aggarwal is the Bank Manager whereas Umesh is the person in whose name the fake firm M/s Yashoda Motors was floated and account opened and amount transferred.

During the pendency of the present petition, Superintendent of Police, Ambala was requested to file affidavit. It has come in evidence that the amount of Rs.10,00,000/- each was ultimately transferred in the accounts of Rajesh Bhatia and Vishal Saini.

Learned counsel for the Bank Manager-Rakesh Kumar Aggarwal has stated that his client was discharging his duties as a Bank Manager and he had taken all the precautions.

On the other hand, learned counsel for the petitioner-Umesh has stated that petitioner is not involved in the case and it is handy work of Rajesh Bhatia, late Sh. Vishal Saini and Bank Officer-Rakesh Kumar Aggarwal. After taking into consideration the submissions of the learned counsel for the parties, this Court is of the view that in the present case, it would not be appropriate to grant concession of pre-arrest bail to the petitioners. Custodial interrogation in the present case would be necessary.

In view thereof both the petitions are dismissed."

The petitioner filed Special Leave to Appeal (Criminal) No.8427 of 2019, which was dismissed on 24.09.2019.

Learned counsel for the petitioner contends that subsequently even the first informant has been arrayed as an accused. Further, a co-accused, namely, Rajesh Bhatia was granted pre-arrest bail by the Supreme Court, in Criminal Appeal No.569 of 2020, vide order dated 07.09.2020.

This court has considered the submissions.

The petitioner, at the relevant time, was posted as a Manager in the Bank which not only sanctioned the loan but even disbursed the same.

In the present case, allegations are that a fake firm was created and huge public money has been siphoned off. No doubt, the first informant has also been arrayed as an accused. The previous application for grant of bail was dismissed on 21.11.2019. The roles of the petitioner and Rajesh Bhatia are different.

Keeping in view the aforesaid facts, there is no ground to grant the concession of pre-arrest bail to the petitioner.

Dismissed.

September 25, 2020 **(ANIL KSHETARPAL)**
nt **JUDGE**

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No