

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH.

211

CRM-M-30722 of 2019

Date of Decision: 18.09.2020

Raj Kumar Tiwari

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE LALIT BATRA

Present: Mr. Vijay Singh Kajla, Advocate
for the petitioner.

Mr. Vivek Saini, Additional AG, Haryana.

Lalit Batra, J.(Oral)

Case has been taken up for hearing through Video Conferencing.

Present petition under Section 439 Cr.P.C is for grant of regular bail to petitioner-**Raj Kumar Tiwari** in case F.I.R. No.612 dated 03.08.2017 under Sections 120-B, 409, 420, 467, 468, 471 and 507 IPC and Section 3 of Haryana Protection of Interest of Depositors in Financial Establishment Act, 2013, registered at Police Station Civil Lines, Hisar.

Reply dated 16.09.2020 furnished at the instance of respondent-State is taken on record.

Learned counsel for the petitioner *inter alia* contends that the allegations levelled in the FIR are totally concocted, false and frivolous and there is no iota of truth therein. He further urges that

petitioner was merely an employee of Gab Gramya Vikas Credit Co-operative Society Limited, Lucknow (hereinafter to be referred to as 'Society') and that too on minimum salary. He further urges that as a matter of fact co-accused Rajesh Pandey was the promoter and chief of the Society and he had cleverly shown the petitioner as Chairman of the Society by taking benefit of illiteracy of petitioner. He further urges that the entire business of the Society was being handled by its promoter (Rajesh Pandey) and the money was deposited in the account of Society and as such petitioner was not the beneficiary of the amount deposited by the investors. He further urges that petitioner had never taken any money from the account holders or from the agents or members. He further urges that after commencement of trial, statement of PW-1 Subhash Jangra (complainant) has already been recorded. He further urges that co-accused namely Girish Sharma and Anurag Sharma have already been granted concession of pre-arrest bail by this Court, whereas co-accused Virender Singh Patwal has been granted regular bail by this Court. He further urges that petitioner is in custody since 06.02.2018 and since trial of the case would take sufficient time to conclude, no useful purpose would be served by keeping the petitioner-accused in custody further and he may be released on bail.

On the other hand, learned State counsel while opposing instant petition has vehemently argued that the Society was authorized by the Government of India to operate in the States of Uttar Pradesh, Gujrat

and Maharashtra, as per the provisions of Multi State Co-operatives Societies Act, 2002, however, the Society by forging and fabricating the certificate of registration started its operations in the States of Haryana, Punjab and Bihar illegally and wrongfully. He further urges that petitioner being Chairman of the Society was operating all the bank accounts of the Society, whereas *modus operandi* of co-accused i.e. Vice Chairman and Directors etc. of the Society was to collect money for the Society after duping innocent investors on the allurements of high rate of interest and other prizes. He further urges that the entire collected amount was managed by petitioner-accused, whereas co-accused/Directors were working in the Society on commission basis. He further urges that petitioner being Chairman and all in all in the Society, his role in the commission of offence is quite graver and cannot be equated with that of co-accused/Directors of the Society, who were working on commission basis. He further urges that even otherwise co-accused namely Chander, Sunil Tiwari and Rajesh Pandey are still at large and they have been declared proclaimed offenders by the Court, vide order dated 30.01.2019. He further urges that petitioner is habitual offender and he is involved in as many as seven more cases of similar nature and four cases of Negotiable Instruments Act. He further urges that once the Society illegally and wrongfully collected crores of rupees from the innocent investors and ran away after closing its branches and especially the fact that material witnesses are yet to be examined, thus, keeping in view

seriousness of offence, petitioner does not deserve the concession of bail.

I have heard learned counsel for the parties and have carefully gone through the contents of petition, documents placed on record at the instance of petitioner and reply furnished at the instance of respondent-State.

At this stage, without commenting anything on the merits of the case lest it may prejudice the outcome of the trial but taking into consideration the fact that allegedly petitioner being Chairman of the Society forged the registration certificate of the Society so as to commence its operations in the State of Haryana as well and further on the allurements of providing high rate of interest and prizes duped numerous innocent investors of huge amount, thereby illegally and wrongfully collected crores of rupees from those investors. Keeping in view seriousness of offence, the fact that petitioner is involved in number of criminal cases of similar nature and the fact that statements of material prosecution witnesses are yet to be recorded, in this scenario, petitioner does not deserve the concession of bail.

As a sequel to above, instant petition for grant of regular bail moved by the petitioner is dismissed.

(LALIT BATRA)
JUDGE

18.09.2020

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