

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Criminal Misc.-M No.36008 of 2020 (O&M)

Date of Decision: December 22, 2020

Anish Jangra

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Sapan Dhir, Advocate,
for the petitioner.

Mr. Kanwar Sanjiv Kumar, AAG, Haryana.

MANOJ BAJAJ, J. (Oral)

Petitioner has filed this petition under Section 439 Cr.P.C. for grant of interim bail for two months in case FIR No.358 dated 08.09.2018, under Sections 420, 406, 467, 468, 471, 120-B IPC, 1860, Sections 4, 5, 6 Prize Chits and Money Circulation Schemes (Banning) Act, 1978 and Section 3(2) Haryana Protection of Interest of Deposits in Financial Establishment Act, 2013, registered at Police Station Sadar Fatehabad, District Fatehabad to enable him to serve his ailing father. The petitioner is in judicial custody since his arrest on 30.03.2019.

The allegations in the FIR, as made by complainant-Anil Sihag have been noticed by Additional Sessions Judge, Fatehabad in his order dated 19.12.2019 and the same read as under:-

“As per reply submitted by the prosecution, on 28.07.2018, complaint of complainant Anil Sihag was received in the office of Superintendent of Police, Fatehabad after inquiry by Economic Cell. The complainant Anil Sihag has alleged in his

complaint that there are thousands of bogus Chit Fund Companies functioning throughout India and Future Maker Life Care Private Limited is having its Head Office at D.S.S., 43, Red Square Market, Hisar (Haryana). The said company appoints agents in the name of selling its products by inducing general public and collects crore of rupees in cash and causes loss of income tax to the Government while taking them for ride. The company instead of getting the deposits invested, transacts the business of crores of rupees daily in an illegal manner as it is neither having any product nor any manufacturing unit, it has tied-up with other companies only on papers, but does not purchase any product and receives approximately 10 crores daily from its agents in its head-office at Hisar in cash, but no receipts are issued and it collects approximately Rs.40 crores daily through its agents in the entire country. On receipt of cash amount from the agents, after 15 days the company takes Ids of persons and issues bills of its product @ Rs.7500/- per ID but no product is supplied to anyone and profit is passed on its agents on the basis of bills only. The money is refunded to its agents in the bank account. For example, if someone has deposited Rs.2,52,000/- in cash with the company, after 15 days, on taking Ids of other persons, different bills of its produce are issued and he is induced that within a period of 24 months, an amount of Rs.5 lakh would be deposited in his bank account. The company is not paying any income-tax and issues half of the actual number of bills and it is having one office at village Dhanger, where there is no product and only taking the Ids from agents, general public is being misled.”

Learned counsel for the petitioner contends that petitioner's father, namely, Ram Prasad is seriously ill and prays for release of the petitioner for a period of two months on interim bail to enable him to serve and attend his ailing father. He has argued that the investigation of the case

is complete, however, the trial is yet to commence and the petitioner is presently confined in judicial custody.

In response to the notice issued in the present case, reply by way of affidavit of Ashok Kumar, HPC, Deputy Superintendent of Police, Headquarter, Hisar, has been filed, wherein it is mentioned that the petitioner in conspiracy with the promoters of M/s Future Maker Life Care Private Limited, participated in the crime and caused loss to the various investors. However, it is not disputed that the petitioner's father is a chronic cancer patient and the opinion given by the doctor is annexed as Annexure R-1. The relevant portion of the same reads as under:-

“Certified that Mr.Ram Prasad s/o Nihal Singh R/o Arya Nagar, Hisar bearing UHID 322441, is suffering with CA Right Tonsil with lung Meds. Stage IV for which he is under my treatment from May, 2020.

He is a case of stage IV terminal case of cancer and requires attendant support and care.”

Learned State counsel, on instructions from ASI Sajjan Singh, has further apprised the Court that though the investigation of the case is complete as the final report was filed on 23.05.2019, but the charges are yet to be framed. He has submitted that eleven co-accused of the petitioner are still at large and are yet to be arrested and, therefore, the proceedings in the trial are not progressing.

After hearing the learned counsel for the parties and considering the above background, this Court is of the opinion that the petitioner is in custody since his arrest on 30.03.2019. The final report was filed in May, 2019 and for the last one year and seven months, even charges have not been framed. The ground raised in the petition for grant of interim bail is not disputed by the learned State counsel, therefore, the limited

prayer made by the petitioner is accepted and it is ordered that he be released on interim regular bail for a period of one month subject to his furnishing the requisite bail bonds/surety bonds to the satisfaction of the learned trial Court/CJM/Duty Magistrate, Fatehabad. The petitioner is directed to surrender on 19.01.2021 before the concerned jail authorities before 5:00 p.m.

Petition stands disposed off.

December 22, 2020
ramesh

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable:

Yes/No
Yes/No