**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRM-M No.35798 of 2020(O&M)
Date of Decision: 03.12.2020**

Jawahar Lal .....Petitioner

Versus

State of Haryana .....Respondent

CORAM: ***HON'BLE MR. JUSTICE RAJ MOHAN SINGH***

Present: Mr. S.K. Verma, Advocate
for the petitioner.

Mr. Rajat Gautam, DAG, Haryana.

Mr. Sunil Saharan, Advocate
for the complainant.

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RAJ MOHAN SINGH, J.

[1]. Petitioner seeks grant of anticipatory bail in case bearing FIR No.522 dated 14.07.2020 registered under Sections 406 and 420 IPC at Police Station HTM Hisar, District Hisar.

[2]. Complainant Bhagwani Devi lodged the present FIR with the allegations that the petitioner being Secretary of Harayana Cooperative N.A. TC Society Limited, Hisar and his wife came to the complainant and persuaded her to deposit the money in the society so as to fetch lucrative interest @ 12% to

15% along with gift every year. The complainant could not repose faith upon them at the first instance, but when she contacted Fateh Singh elder brother of the petitioner and he also assured her to go for transaction, then on the aforesaid believe, the complainant started depositing her money as well as money of her disabled son Sanjay @ Surender with the society. Petitioner issued passbooks to the complainant. Complainant used to send her son Tijender for transacting money as well as for updating passbooks. When Tijender went to withdraw the money from the account, the petitioner kept the passbooks with him and assured Tijender to return the same after making necessary entries. He did not return the passbooks. Petitioner became suspicious. Thereafter, Tijender son of the complainant enquired about the society and also moved a complaint to the District Magistrate. District Magistrate summoned the record of the society and found incriminating material against the petitioner. Petitioner did not deposit the amount in the account of the society, rather embezzled the same of his own. This fact was verified from the record of the society and on being confronted, the petitioner also admitted the same. Petitioner kept the passbooks in a very clandestine manner. ARCS, Hisar produced the report through DRCS, Hisar before District Magistrate, Hisar and it was found that the petitioner has committed the offence. Complainant has also given details of the account numbers in which total amount of Rs.35,00,662/- was deposited and different passbooks were issued by the petitioner, which were subsequently retained by the petitioner. With these allegations, FIR in question came to be registered.

[3]. Learned counsel for the petitioner submitted that the petitioner and the complainant had business dealings since long and the petitioner has returned the amount over and above the amount deposited by the complainant. Petitioner has given details of the transaction in para No.3 of the petition. Petitioner has also relied upon receipts Annexure P-2 and further submitted that both the parties are in litigation under Section 138 of the Negotiable Instruments Act, complaint under Section 3 of the Haryana Protection of Interest Depositor in Financial Establishment Act, 2013 and a civil suit for possession of land filed by the petitioner against Hindustan Petroleum Corporation Limited and others.

[4]. Per contra, learned State counsel duly assisted by learned counsel for the complainant submitted that the petitioner has embezzled the amount by not depositing the same in the account of the society, rather usurped the same by issuing false and forged passbooks to the complainant. An amount of

Rs.35,00,662/- has been embezzled without depositing the same in the account of the society.

[5]. During course of investigation, it has been found that the petitioner has not deposited the amount of the complainant in the account of the society. The allegations are of issuance of false and forged passports by the petitioner in order to grab the amount of the complainant. An amount of Rs.35,00,662/- has been embezzled for which recovery has to be made. Complainant is an old lady. It has also been found that the passbooks bear signatures of the petitioner at various places. The transactions between son of the complainant namely Narinder Kumar Sharma and the petitioner are in some different context.

[6]. It appears that the petitioner is trying to muddle up his personal transaction with Narinder Kumar Sharma with that of the complainant. A dispute arising out of partnership in M/s Arihant Filling Station in first appearance has nothing to do with the present allegations, however, complicity of the petitioner would be subject to custodial interrogation. Second son of the petitioner i.e. Tijinder also filed complaint against the petitioner in respect of his own transactions and that has no relevance with the present allegations arising out of FIR in question.

[7]. In entirety of facts and circumstances of the case, the

custodial interrogation of the petitioner is required in order to effect recoveries of the amount and other incriminating record.

[8]. In view of aforesaid, no indulgence can be granted in favour of the petitioner. This petition is found to be totally devoid of merits and is accordingly dismissed.

03.12.2020 **(RAJ MOHAN SINGH)**
Prince **JUDGE**

Whether reasoned/speaking **Yes/No**

Whether reportable **Yes/No**