In The High Court for the States of Punjab and Haryana
At Chandigarh

(I) **CRM-M-33472-2019 (O&M)**
Date of Decision:- 12.2.2020

Raghubir Sharma … Petitioner

Versus

State of Punjab ... Respondent

(II) **CRM-M-34390-2019 (O&M)**

Sandeep Kumar … Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. P.S.Ahluwalia, Advocate, for the petitioner(s).

Mr. Randhir Singh Thind, DAG, Punjab,
assisted by ASI Pinjor Singh.

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GURVINDER SINGH GILL, J. (Oral)

1. This order shall dispose of the above mentioned two petitions wherein petitioner Raghubir Sharma and Sandeep Kumar, have approached this Court seeking grant of anticipatory bail in respect of a case registered against them vide FIR No.69, dated 4.4.2019, registered at Police Station City Dhuri, District Sangrur, Punjab,

under Sections 420, 465, 467, 468, 471, 120-B IPC (Section 467 IPC added later on).

2. The FIR in question was lodged at the instance of Vipan Kumar wherein he alleged that he had invested money in 8 different insurance policies of different companies out of which he had been paying premium regularly in respect of two of the policies while he had defaulted in payment of premium in respect of the other policies. The complainant alleged that he received a call from one Prabhu Dayal Sharma who claimed himself to be from Income Tax Department and represented that he could get an amount of about ₹23.60 lakhs returned to the complainant in respect of the lapsed insurance policies along with interest and in lieu thereof he demanded an amount of ₹5,19,200/-. The complainant alleges that he paid an amount of ₹ 2,60,000/- and ₹2,59,200/- in R.D.Care Solution (SBI Bank), Narkantianganj in Account No.38099020601, IFSC Code SBIN0002983. The complainant has further alleged that subsequently he received a letter from aforesaid Prabhu Dayal Sharma asking him to pay an amount of ₹4.25 lakhs towards GST @ 18% which the complainant deposited. It is further alleged therein that subsequently the petitioner received a call from one Ashok Kumar who represented that he is working in RBI, Hyderabad and who also raised a demand of ₹4.66 lakhs and along with tax etc. that comes to ₹5,00,200/- against which the complainant deposited the said amount in accused R.D.Care Solution (SBI Bank), Narkatianganj, Account No.38099020601, IFSC Code SBIN002983.

It has been stated in the FIR that on various dates on the asking of Ashok Kumar, complainant deposited a total sum of ₹47,15,200/-. It has further been stated that complainant was approached by one Rashmi Devi from 'Challan and Cheque Verify Department' and on her asking he deposited an amount of ₹14 lakhs on different dates. In this fashion, complainant has stated that he has been cheated of a total amount of ₹80,89,400/-

3. Learned counsel for the petitioners has submitted that they are not named in the FIR and are sought to be nominated on the basis of certain disclosure statements made by some co-accused. Learned counsel for the petitioners has further submitted that in the present case initially 5 persons namely Prabhu Dayal Sharma, Ashok Kumar, Baldev Stega, Anurag Goyal, Rashmi Devi were named in the FIR and that after lodging of the FIR, 6 persons namely Arun Kumar, Dushant, Gagandeep Singh, Jugraj Singh, Shaganpreet Singh and Ekta Sharma were arrested on 1.5.2019.

4. Learned counsel for the petitioners has further submitted that out of the aforesaid arrested persons, Arun Kumar and Dushant Singh are alleged to have made disclosure statements nominating 8 persons as co-accused namely Kailash Soni, Sharad, Aditya Pudeer, Jagpreet Singh, Abhishek Jain, Bharat Sharma, Ramzaan Ansari and Vikas Kumar as co-accused.

5. Learned counsel has further submitted that when the aforesaid 8 persons were arrested, Abhishek Jain is alleged to have made a disclosure statement nominating another eight persons as co-accused

namely Bhupinder Singh, Amit, Rajinder Verma, Rohit, Bunny, Sandeep, Mohit Sampley and Raghubir Sharma.

6. Learned counsel for the petitioners has further submitted that apart from the disclosure statements there is no evidence to connect them with the alleged fraud and that there is nothing on record to show that any amount had been transferred to any of the bank account of the petitioners as had been deposited in case of some of the other co-accused.

7. Opposing the petition(s), learned State counsel has submitted that it is a case where all the accused had conspired together and had duped the complainant and some other persons of huge amounts and had opened fake accounts wherein huge amounts were got credited from gullible investors and had been usurped by the accused.

8. I have considered rival submissions addressed before this Court. The petitioners have been nominated as accused on the basis of disclosure statements, the veracity of which is yet to be tested during the course of trial. In any case nothing has been shown by the learned State counsel to the effect that as to whether any amount had been transferred in any bank account of petitioners or as to whether any of the alleged fake accounts had been operated by the petitioners. The petitioners, in any case, are stated to have joined investigation.

9. Keeping in view the aforestated facts and circumstances, this Court is of the opinion that custodial interrogation is not warranted. The petitions, as such, are accepted and interim directions issued vide order dated 19.9.2019 are made absolute subject to the condition that

the petitioner shall appear and join investigation as and when called upon to do so and cooperate with the Investigating Officer and shall abide by the conditions as provided under Section 438 (2) Cr.P.C.

February 12, 2020 **(GURVINDER SINGH GILL)**
mohan **JUDGE**

Whether speaking /reasoned	Yes / No
Whether Reportable	Yes / No