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

(I) **CRM-M-39956-2020 (O&M)**

Satpal Yadav … Petitioner

Versus

State of Haryana ... Respondent

(II) **CRM-M-42322-2020 (O&M)**

Harpreet Kaur and another … Petitioners

Versus

State of Haryana ... Respondent

(III) **CRM-M-42332-2020 (O&M)**

Pawandeep Singh … Petitioner

Versus

State of Haryana ... Respondent

Date of Decision:- 18.12.2020

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Keshav Pratap Singh, Advocate for the petitioner in CRM-M-39956-2020.

Mr. Partap Singh, Advocate, for the petitioners in CRM-M-42322-2020 & CRM-M-42332-2020.

Ms. Sheenu Sura, DAG, Haryana,
assisted by ASI Bhagirath.

Mr. Chirag Wadhwa, Advocate with
Mr. Ranbir Singh, Advocate for the complainant.

(Proceedings conducted through video conferencing)

*****

GURVINDER SINGH GILL, J.

1. This order shall dispose of the above mentioned three petitions filed on behalf of petitioners Satpal Yadav, Harpreet Kaur, Simarpreet Kaur and Pawandeep Singh seeking grant of anticipatory bail in a case registered against them vide FIR No.595 dated 13.7.2018 under Sections 380/406/409/415/420/467/468/471/120-B/34 IPC at Police Station Civil Lines, Karnal, District Karnal.

2. The matter pertains to usurping an amount of approximately ₹ 6 crores of Harbhajan Singh Rana by a large number of accused by getting FDRs made in their names out of money belonging to Harbhajan Singh Rana (in short being referred to as 'HR'), who has now expired. In some FDRs, accused were shown as joint holders of FDRs with deceased HR while in others they were shown as nominees. The daughter of said HR namely Smt. Ravinder Karas is a resident of U.K. and the instant FIR has been lodged by her attorney Gurdeep Singh for taking action against nine accused namely Santosh Yadav, Satpal Yadav, Pawandeep Singh, Harpreet Kaur, Simarpreet, Manisha Kumari, Shanti Devi, Mr. Misra Branch Manager Indian Bank Mahila Ashram Karnal and Bharti Misra.

3. The complainant Gurdeep Singh (attorney of Smt. Ravinder Karas) alleged that previously Smt. Ravinder Karas daughter of HR had submitted a

complaint to Superintendent of Police, Karnal alleging therein that her father HR aged 90 years was residing in Karnal and that the aforesaid accused, with an intention to misappropriate the wealth of his father had got their names inserted in the FDRs of his father HR by fraud and had also prepared a forged WILL in order to grab his entire property but the accused, being influential, managed to avoid taking any action on said complaint dated 16.3.2018.

4. The complainant alleged therein that after the death of mother of Mrs. Ravinder Karas, HR started residing alone in his House No.2183, Sector-7, Karnal. Accused Santosh Yadav who resides at a distance of 50 yards from the house of HR and accused Pawandeep started visiting the house of HR on a regular basis. They started exerting influence over HR and HR became dependent on Santosh Yadav and Pawandeep and his chartered accountant Manisha Chopra. The said persons also started interfering in the personal and financial affairs of HR. Manisha Chopra chartered accountant was already looking after the financial matters and maintaining Income Tax Returns, FDRs and bank accounts of HR. On 18.08.2016, the accused in criminal conspiracy with each other tortured HR on account of which HR was found lying on the floor of his house in nude condition whereas the main gate of the house was locked from outside and inner gate was locked from inside, whose keys are with the accused Santosh Yadav and Satpal Yadav. HR was taken for treatment to Alok Gupta Hospital from where he was referred to Apollo Hospital, Delhi. It is alleged that during the said period, accused Santosh Yadav and Satpal Yadav in criminal conspiracy with other accused took away FDRs of HR, his passbooks, cheque books,

passport, RC and insurance of car, second car keys, personal diaries and mobile from the house of HR.

5. The daughter of HR, upon coming to know about health of her father came to India from UK and for his better treatment, she took her father HR to London. Before departure, Mrs. Ravinder Karas through complainant Gurdeep Singh asked the accused to return all FDRs and other documents of HR, however, the accused only returned the passport and refused to return the other documents. Mrs. Ravinder Karas was in requirement of money for the treatment of her father and regarding this, she filed Civil Writ Petition No.23863 of 2016 titled Ravinder Karas Vs. Oriental Bank of Commerce and others, before the Hon’ble Punjab & Haryana High Court and in the said writ petition also, the accused got themselves impleaded as parties in order to obstruct the proceedings and requested the Court not to send money of HR to London and also asserted their right over the money of HR. However, the Hon’ble High Court declined the prayer of accused and directed all the banks to transfer the amount in FDRs of HR to his account at London for his better treatment and care. Pawandeep Singh and Manisha Kumari challenged the order passed by Hon’ble Single Bench of High Court before the Hon'ble Division Bench in LPA No.1609 and 1604, however, both the said LPAs were dismissed by Hon'ble High Court on 31.08.2017.

6. The complainant also alleged that it was found from the bank officials that the accused Santosh Yadav and Satpal Yadav had fraudulently taken loan against FDR No.6378134714 amounting to ₹18,44,649/- of HR and deposited the amount into their personal account no.458980055 of Indian Bank, Karnal. Accused Santosh Yadav has also fraudulently withdrawn a sum of ₹2,14,000/- against FDR No.9097 from Jammu and Kashmir Bank

on 04.04.2017. Further, it has been found from the bank officials that accused Harpreet Kaur, Simarpreet Kaur and Manisha Kumari had opened a joint account no.62443451873 in Indian Bank, Karnal and deposited the maturity amount of FDR No.6378053211 amounting to ₹1,86,000/-, FDR No.6378053482 amounting to ₹ 2 lacs and FDR No.6433431001 amounting to ₹ 5,38,039/- into the said account and misappropriated the same for their personal use and now only a sum of ₹975/- is standing in the said account.

7. It is further alleged that the accused Mr. Misra, Branch Manager dishonestly introduced the name of his wife Smt. Bharti Misra accused as nominee in some FDRs of HR to the tune of ₹90 lacs. The accused Manisha Kumari worked as chartered accountant with HR and managed his financial matters, Income Tax Returns and bank accounts, however, she also entered into a criminal conspiracy with the other accused and taking undue advantage of the old age of HR and his trust on her, she inserted her own name in a number of FDRs of HR and became a joint holder with HR in the said FDRs. Moreover, in FDR No. 4378054044 of Indian Bank she inserted the name of her mother Smt. Shanti Devi as joint holder with HR with the intent to usurp amount of said FDR. On 05.10.2016, accused Manisha Kumari had sworn an affidavit before Notary Public Karnal wherein she affirmed that as per record, HR was having 75 FDRs in 17 different banks amounting to ₹16,75,50,385/- out of which FDRs to the tune of ₹ 5 crores have been misappropriated by all the accused in criminal conspiracy with each other.

8. The complainant alleged that during the Income Tax assessment year 2011-12 HR had only three bank accounts in New Delhi. In the assessment year 2012-13, he had only two bank accounts in Karnal but after the death of wife

of HR, the accused in criminal conspiracy with each other in order to usurp the amount of HR got his amount invested in 75 FDRs in 17 different bank branches which is clear from the Income Tax Return of HR for the assessment year 2017-18. In this manner, all the said persons in furtherance of criminal conspiracy to usurp the money of HR had got their names incorporated as joint account holders in the FDRs of HR as per details given in annexure with the application. Despite requests, accused have refused to delete their names in the joint FDR accounts with HR and to transfer the amount into the account of HR at London and further threatened Mrs. Ravinder Karas and complainant with dire consequences. It is further alleged that HR has since expired on 17.03.2018 at London, however during his lifetime he has given all his property, moveable and immoveable, to his daughter Mrs. Ravinder Karas by way of Will executed at England in which probate has been granted by the competent court at England. In this manner, the accused have no right, title or interest in the property of HR, however all the said persons have dishonestly and fraudulently usurped the amount of ₹5 crores belonging to HR. As per the Indian Banking Law, the money belongs to the first account holder of FDR whereas the entire amount of FDR belonged to HR and TDS has also been deducted by bank against his Income Tax Returns.

9. The learned counsel for the petitioners have submitted that the entire FIR is based on incorrect facts and false allegations have been levelled therein by the complainant at the behest of Smt. Ravinder Karas, who has levelled the same in greed as her father HR had disinherited her and had not left any amount for her though he was a wealthy man. It has been submitted that Smt. Ravinder Karas never looked after her father during her life time,

especially in his old age when he was left to fend for himself in Karnal while she had always been residing in England with her family and that it was only towards the last days of the deceased HR that she took him to England and that too on account of greed in order to lay claims to his property.

10. It has further been submitted that the petitioners had been serving the deceased in one way or the other and had taken care of him even when he was unwell and had to be taken to hospital and had infact spent huge amounts on his treatment. It has been submitted that it was solely on account of service rendered by the petitioners and others that the deceased had made them as nominees or joint account holders and had even executed a duly registered WILL in their favour bequeathing his properties in favour of the accused. It has also been submitted that it was during his life time that he invested his amount in various banks in FDRs with many of the co-accused as his joint account-holders in the said FDRs and that many of the FDRs were encashed during his life time to which he never objected. It has been submitted that the matter has infact been got enquired into by different police officers on three occasions and the accused were found innocent and it was found that the accused had infact spent a huge amount on the medical treatment of the deceased HR.

11. Opposing the petition, the learned State counsel assisted by counsel for the complainant has submitted that it is a case where a colossal amount of the deceased had been misappropriated while taking advantage of his old age as he was about 90 years old. It has been submitted that during the course of investigation, it had been found that the amount in respect of his 2 FDRs in a bank was transferred to 17 different banks in 75 different FDRs in the names of the accused and that upon comparison of the signatures and handwriting

from the documents pertaining to withdrawal of FDR No. 43100612 and No. 43100613 in the individual name of deceased, the same was not found to be tallying and it was found that writing had been made in different ink and in a different operation while the signatures had been affixed in a different operation. The learned counsel for the complainant has further submitted that the execution of the WILL in favour of the accused is also rendered doubtful inasmuch as one of the executrices of the WILL namely Anita Bhateja against whom a civil suit had been filed, has specifically deposed in her affidavit that no such alleged WILL dated 11.8.2014 was ever executed. The learned State counel has, thus, prayed for dismissal of the petitions while submitting that the custodial interrogation of the accused would be required.

12. I have considered rival submissions addressed before this Court.

13. It is a case where a huge amount of approximately ₹ 6 crores is alleged to have been misappropriated by the accused, either by way of getting their names inserted in the FDRs as joint holders or by getting themselves appointed as nominees in the FDRs made by the deceased though it is not disputed that they are all not related to the deceased. While three of the accused are lawyers, one of them is a Manager of the Bank and one is a Chartered Accountant of the deceased. Further, two of them are mother and sister of lawyer Pawandeep Singh. Still further, even the mother of the Chartered Accountant and wife of the Bank Manager are also beneficiaries of the wealth of the deceased and are all accused.

14. Some of the facts are rather strange and do cast a serious doubt in the manner in which the assets of the deceased have been dealt with. It remains

unexplained as to why two of his FDRs for ₹ 75 lacs were bifurcated into 75 different FDRs in 17 different banks in which names of the accused were associated as joint holders or as nominees. So much so, the wives of lawyer or Chartered Accountant or even the wife of the Bank Manager were also the beneficiaries of the said FDRs. Though, it can be accepted that person executing a WILL during his last days may bequeath his assets in favour of the person who has been serving him, but in the present case the beneficiaries are lawyers, Chartered Accountant, Bank Manager and even their wives which is rather difficult to digest. During investigation, it has been revealed that accused Santosh Yadav had fradulently withdrawn the entire amount of said FDRs amounting to ₹78,48,870/- by obtaining signatures of HR on the back of FDRs at an earlier date and transferred the entire proceeds into the joint account in the name of Santosh Yadav and HR and thereafter to the joint account in the name of Santosh Yadav and Satpal Yadav whereas from 19.8.2016 to 22.10.2016 HR was in Apollo Hospital, New Delhi in unconscious condition and was not in a position to understand what is right and wrong for him. While accused Pawandeep has FDRs worth ₹41 lacs, accused Harpreet Kaur and Simerpreet Kaur have FDRs worth ₹2 lacs and ₹1.86 lacs respectively. Although, the accused also claim to be genuine beneficiaries on strength of the fact that a registered WILL was also executed in their favour but the WILL itself is rendered doubtful when the executrix of the WILL namely Anita Bhateja has herself furnished an affidavit that the WILL in question was never executed. Still further, the WILL has been drafted by none else but by one of the beneficiary himself namely Santosh Yadav. The signatures affixed at the time of withdrawal of two FDRs are also rendered doubtful by the report of FSL. It is, thus, evident that the fraud is an outcome of well planned and well orchestered design executed to perfection with active involvement of all the accused. As such, this is certainly a case where custodial interrogation would be required to unearth the truth of the entire scam running into crores where the wealth of an old man has been siphoned off.

15. Finding no merit in the case, all the petitions are hereby dismissed.

18.12.2020 **(Gurvinder Singh Gill)**
Kamal **Judge**

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