

CRM-M-52636-2019 (O&M)

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

**CRM-M-52636-2019 (O&M).
Decided on: February 12, 2020.**

Sahdev Kumar

.. Petitioner

VERSUS

State of Haryana

.. Respondent

*** * ***

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

*** * ***

**PRESENT Mr.Sandeep Kumar Tada, Advocate,
for the petitioner.**

Mr.Munish Sharma, AAG, Haryana.

JASGURPREET SINGH PURI, J. (ORAL)

CRM-890-2020

Application is allowed as prayed for.

Annexure P3 is permitted to be taken on record.

Registry to place the same at appropriate place.

Main case

Through the present petition filed under Section 438 Cr.P.C., the petitioner prays for the grant of anticipatory bail in case FIR No.35 dated 24.01.2019, under Sections 406 and 420/34 IPC and under Section 4, 5, and 6 of Prize Chits and Money Circulation Scheme (Banning)

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Act, 1978, registered at Police Station, HTM Hisar, District Hisar.

Learned counsel for the petitioner submits that the petitioner has been wrongly involved in the present case as the money, if any, had been transferred between the complainant and the owners of the four companies in whose account the money had gone. He has further submitted that he is only a villager and he has no role to play in the scheme of doubling the money. He has further submitted that from the allegations made in the FIR the offence as mentioned in the FIR is not made out against the petitioner and the petitioner has only been made a scapegoat because he is neither the office bearer nor holds any post in the company, in any manner nor he is the promoter of the company. He has also submitted that the fact that the company has run away after taking money from number of people would not make the petitioner liable for the same because he has no role to play.

Learned State counsel, on instructions from the official assisting him, has submitted that, in fact, petitioner Sahdev Kumar, was a kingpin in the entire episode and he used to allure the people for the purpose of taking money from them and then getting it deposited in the name of four companies which were fake chit fund companies. He has further submitted that during the investigation process, it has been found that, in fact, the petitioner was active in making contacts with the people and introducing them to the office bearers of the company so that the money can be deposited for the purpose of investing the money and getting the money multiplied in a number of days.

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I have heard the learned counsel for the petitioner as well as learned State counsel and gone through the record of the case.

Petitioner appears to be the main accused and in view of the submissions made by the learned State counsel that he was instrumental in alluring the public at large and taking money from them for the purpose of investment in the fake chit fund companies which were four in number, the alleged offence involves large number of people. Even though the petitioner was not an office bearer of the company but if he was instrumental in alluring the people for depositing the money with fake chit fund companies which ultimately embezzled the amount of large number of people, then definitely custodial interrogation of the petitioner would be required in this regard.

Considering the totality of the circumstances, I deem it a fit case where concession of anticipatory bail should not be granted to the petitioner. Consequently, the present petition is hereby dismissed.

However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is meant for the purpose of deciding the present petition only.

February 12, 2020.
raj arora

(JASGURPREET SINGH PURI)
JUDGE

Whether speaking / reasoned
Whether reportable

Yes / No
Yes / No