

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

CRM-M-54866-2019 (O&M)

Date of Decision:- 14.1.2020

Paran Mudgil ... Petitioner

Versus

State of Haryana ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Yowan Sharma, Advocate for the petitioner.

Mr. Ashok Singh Choudhary, Addl. Advocate General, Haryana,
assisted by SI Sukbir Singh.

Mr. A.K. Walia, Advocate for the complainant.

GURVINDER SINGH GILL, J.

1. The petitioner has approached this Court seeking grant of anticipatory bail in a case registered against him vide FIR No. 279 dated 23.11.2019 under Sections 406/420/120-B IPC at Police Station Sector-14, District Panchkula, Haryana.
2. The FIR was registered at the instance of Bharat Bhushan wherein it has been alleged that he, Vinay Kumar, Mrs. Neeraj Madan, Mrs. Dimple and Mrs. Sushil Madan owned shop No. 80, Sector-15, Panchkula which was in the name of the complainant Bharat Bhushan, Vinay Kumar and Shri Firaya Lal in which they were running a confectionery and sweet shop. However, in the year 2016, due to losses the said shop was sold. Another shop located in Pooja Enclave Colony Saharanpur, which was in the name of Ms. Neeraj Madan, was also sold off. It is alleged that the accused Hemant Chauhan, his wife Swati Chauhan and Davindra Chauhan, who had been visiting their shop earlier got to know that the complainants were having money i.e. the

sale proceeds and started tempting them to invest the amount in their jewellery business and that in return they would give them 3 percent interest and would also give gold ornaments to them as security in exchange for the principal amount. The said accused also represented that there were some other partners in their business of investment and that the amount which the complainants invest would be either by way of cheques in the name of such partners or in cash. The names of such partners were disclosed as Pran Mudgil (petitioner), Sanjeev Sharma, Manoj Gill, Pinku Verma, Amit Sharda, Pankaj Khanna, Ajay Patial and Rinku Verema. Being taken in by the representation of the accused, they transferred an amount of ₹ 1.30 crores during the period 6.2.2017 to 26.2.2019 by way of cheques and cash. The details of the amounts transferred by way of cash as well as cheques to various partners has been mentioned in detail in the FIR.

3. The petitioner Pran Mudgil is alleged to have received an amount of ₹ 6 lacs by way of following cheques :-

- (i) Cheque No.7891 dated 29.9.2018 for ₹ 2 lacs;
- (ii) Cheque No.7892 dated 5.10.2018 for ₹ 2 lacs; and
- (iii) Cheque No. 7880 dated 10.10.2018 for ₹ 2 lacs

4. It is further alleged that the accused while taking money from the complainants had handed over gold ornaments, total weighing 3 kg and 342 grams but subsequently, when the accused did not pay the promised interest and did not return back the amount, the complainant got the said gold jewellery checked and it was found to be artificial gold jewellery.

5. The learned counsel for the petitioner has submitted that he has falsely been implicated in the present case and that in fact it is a case where there were

some monetary transactions between the petitioner and the complainants and that the amount in question stated to have been given to the petitioner was in no manner given for the purpose of any investment, as is being alleged in the FIR. The learned counsel has further submitted that since some of the other co-accused have already been granted interim bail, the petitioner, in any case, deserves the concession of bail on grounds of parity.

6. Opposing the petition, the learned State counsel has submitted that since specific allegations have been levelled against the petitioner in the FIR and the allegations *prima facie* stand substantiated on account of the fact that some amount stands transferred by way of cheques in the account of the petitioner, no special case for grant of anticipatory bail is made out.
7. I have considered rival submissions addressed before this Court. A perusal of the FIR would show that three different cheques of ₹ 2 lacs each were deposited in the account of the petitioner which tend to substantiate the allegations levelled by the complainants. The petitioner has not been able to come out with any justifiable explanation as to on what count, an amount of ₹ 6 lacs has been received by the petitioner.
8. In these circumstances, this Court does not find any special case for grant of anticipatory bail as it is a case where custodial interrogation would be required to unearth the entire racket and the *modus operandi*. The petition, as such, is sans merits and is hereby dismissed.

14.1.2020

kamal

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned
Whether Reportable

Yes / No
Yes / No