

In the High Court of Punjab and Haryana at Chandigarh

CRM-M No. 55030 of 2019
Date of Decision: 17.1.2020

Rajesh Kumar

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. J.S.Bedi, Senior Advocate with
Mr. Rubal Garg, Advocate
for the petitioner.

Mr. Ramesh Kumar Ambavta, AAG, Haryana.

Mr. Rajender Singh Malik, Advocate
for the complainant.

HARNARESH SINGH GILL, J.

Through the instant petition, the petitioner seeks anticipatory bail in case FIR No. 226 dated 3.5.2019, registered under Sections 406, 420, 120-B IPC, Police Station City Sonapat.

Status report by way of affidavit of Jitender Singh, Deputy Superintendent of Police, Head-quarters Sonipat has been filed which is taken on record.

Learned senior counsel for the petitioner has argued that the petitioner got registered a proprietary firm, named, Star Global Star Farming on 19.7.2018 and the petitioner was the sole proprietor and was dealing in the trade of fish seeds and has been purchasing and selling the same on wholesale basis. While doing the business with Star Global Star Company, whose partners were Gajanand Kaushik and Ravi, the petitioner received

advance of Rs. 5.48 crores. The fish seeds were sent to the Star Global Star company vide various deliveries and bills of the said deliveries are on record. Learned senior counsel further submits that on the complaint of Deepak Kumar, the present FIR has been registered and no case is made out against the petitioner as Gajanand Kaushik, vide letter dated 10.4.2019 on whatsapp communicated to the complainant that his partners had defrauded him and asked for six months' time to pay back the entire amount. Learned senior counsel also submits that the petitioner is not the office bearer of Star Global Star company in any capacity and it is the office bearers of Star Global Star company who have allegedly committed cheating with the complainant and the petitioner is not responsible for the same.

Learned State counsel, assisted by learned counsel for the complainant, has argued that during investigation, the account opening forms of three accounts of Star Global Star were obtained and the mobile number registered for providing OTP, debit and credit transactions, messages of account No. 10023610960 of Star Global Star Company, is 96673-99579 and as per the statements of the witnesses, the said mobile is being operated by the petitioner. It is further argued that the petitioner is a habitual offender and two more FIRs stand registered against him for the same offences i.e. FIR No. 273 dated 3.12.2019 under Sections 406, 420, 120-B IPC, Police Station Economic Offence Wing, Delhi and FIR No. 281 dated 23.9.2019 under Sections 406, 420, 120-B IPC, Police Station Bhupalpura, District Udaipur. It is further argued that even the business address on the bills has been found to be false.

After hearing the learned senior counsel for the petitioner and the learned State counsel, I am of the considered view that the present

petition is liable to be dismissed.

In the present case, the complainant has specifically levelled allegations against the petitioner and other co-accused that they in connivance with each other have instigated him and his relatives to invest in the company namely Star Global Star and thus, cheated them of more than Rs. 80.00 lacs. Apart from that the petitioner is a habitual offender and two more FIRs under Sections 406 and 420 IPC have also been registered against him. The allegations levelled against the petitioner are serious in nature.

No ground for grant of anticipatory bail to the petitioner is made out.

The petition is dismissed.

(HARNARESH SINGH GILL)
JUDGE

January 17, 2020
Gurpreet

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No