

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-3724-2021

DATE OF DECISION: JUNE 10, 2021

MUKESH TANWAR

...PETITIONER

VERSUS

STATE OF HARYANA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ.

PRESENT: MR. SAPAN DHIR, ADVOCATE
AND MR. KARTIK SANDAL, ADVOCATE
FOR THE PETITIONER.

KANWAR SANJIV KUMAR, AAG, HARYANA.

MANOJ BAJAJ, J.(ORAL)

Petitioner has filed this petition under Section 439 Cr.P.C. for grant of interim bail in case FIR No.358 dated 8.9.2018, under Section 34, 120-B, 406, 420, 467, 468, 471 IPC and Section 4, 5 and 6 of Prize Chits & Money Laundering Circulation Schemes(Banning) Act, 1978, Police Station Sadar Fatehahad, on the ground that his wife is suffering from Multiple Left Renal Calculi & Urinary Infection. The petitioner is in custody since his arrest on 16.4.2019.

The allegations contained in the FIR as noticed by the Addl. Sesions Judge, Fatehabad, in the order dated 11.2.2021, are as under:-

“On 28.07.2018, complaint of complainant Anil Sihag was received in the office of Superintendent of Police, Fatehabad after inquiry by the Economic Cell. Complainant Anil Sihag has alleged in his complaint that there are thousands of bogus Chit Fund Companies functioning throughout India and Future Maker Life

Care Private Limited is having its Head Office at D.S.S. 45, Red Square Market, Hisar (Haryana). The said company appoints agents in the name of selling its products and by inducing general public, it collects crore of rupees in cash and causes loss of income tax to the Government while taking them for ride. The company instead of getting the deposits invested, transacts the business of crores of rupees daily in an illegal manner as it is neither having any product; nor any manufacturing unit. It has tied-up with other companies only on papers, but does not purchase any product and receives approximately Rs. 10 crores daily from its agents in its head-office at Hisar in cash, but no receipts are issued and it collects approximately Rs.40 crores daily through its agents in the entire country. On receipt of cash amount from the agents, after 15 days the company takes IDs of persons and issues bills of its product @ Rs. 7500/- per ID but no product is supplied to anyone and profit is passed on its agents on the basis of bills only. The money is refunded to its agents in the bank account. For example, if someone has deposited Rs.2,52,000/- in cash with the company, after 15 days, on taking IDs of other persons, different bills of its produce are issued and he is induced that within a period of 24 months, an amount of Rs. 5 lakh would be deposited in his bank account. The company is not paying any income-tax and issues half of the actual number of bills and it is having one office at village Dhanger, where there is no product and only taking the IDs from agents, general public is being misled.”

Learned counsel for the petitioner submits that the wife of the petitioner is sick and suffering from Multiple Left Renal Calculi & Urinary Infection, who needs surgical intervention and support. He has produced a

Certificate issued by Apollo Spectra Hospital, Unit of Sheetla Hospitals, Gurugram, in support of his contention. He submits that the petitioner was arrested on 16.4.2019 and after completion of investigation, the final report was filed on 23.5.2019, however, till date the charges have not been framed. Learned counsel has argued that the petitioner has three minor children and the surgery is scheduled for 12.6.2021 and there is nobody to look after them.

Learned State counsel assisted by ASI Sajjan Kumar has referred to the reply dated 25.2.2021, filed by way of affidavit of Ashok Kumar, HPS, Deputy Superintendent of Police, HQ, Hisar to contend that the ailment of the wife of the petitioner does not require any major surgery. He submits that previously she was admitted for surgery, but she left the hospital against the medical advice. However, it is not disputed that the petitioner and his wife have three minor children and there is nobody to look after them.

At this stage, learned counsel for the petitioner states that since there was nobody to look after the children, therefore, the wife of the petitioner had decided to postpone the surgery earlier, but now she needs it to be conducted urgently as her ailment has aggravated. He submits that the trial is not making any headway and in case the petitioner is granted the concession of interim bail for 15 days, he would be able to take care of his ailing wife and three minor children. Mr. Dhir, has pointed out that due to break of pandemic COVID-19, the relatives are also showing reluctance to extend a helping hand to the petitioner's family.

After hearing learned counsel for the parties and considering

the above background, this Court is of the opinion that the petitioner is in custody since his arrest on 16.4.2019 and the final report was filed on 23.5.2019, however, the charges are yet to be framed. Therefore, the limited prayer made by the petitioner is accepted and it is ordered that he be released on interim regular bail for a period of 15 days subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court/CJM/Duty Magistrate, Fatehabad. The petitioner is directed to surrender before the Jail Authorities on 25.6.2021 before 5.00 p.m.

The petition is allowed.

June 10, 2021
Gulati

(MANOJ BAJAJ)
JUDGE

Whether Reportable : Yes/No

Whether Speaking/Reasoned : Yes/No