

101

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M No.4661 of 2021 (O&M)

Date of decision: 17.03.2021

Umesh Khokhar

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. S.S. Majithia, Advocate
for the petitioner.

Mr. Deepak Grewal, DAG, Haryana.

ARVIND SINGH SANGWAN J. (Oral)

Prayer in this petition is for grant of anticipatory bail to the petitioner in FIR No.986 dated 23.11.2017 (Annexure P1) registered under Sections 120-B, 406, 420 of the Indian Penal Code, 1860 (in short 'IPC') and 66-C of the Information Technology Act, at Police Station Civil Lines, Karnal, District Karnal.

Counsel for the petitioner has submitted that on a complaint given by Vivek Chaudhary, the FIR was registered with the allegations that on 29.04.2017, the accused Rohit Chhabra, Asha Chhabra, Ramesh Malhotra along with one Dr. Deepak Mehta, who was known to him, came to his shop and there accused assured the complainant that they have a new business plan for investment in TYRO Coin company and the amount will be doubled in 55 to 70 days. On the said pretext, the complainant deposited the amount in the account of ZEVPAY BIT COIN ADDRESS: 3BPXXWiRGVQTTSXPLR, which belong to the wife of Rohit

Chhabra and she opened the account of the complainant and some tyrocoins were also transferred in the said account. Initially, the complainant was assured of a commission but later on, he did not receive the commission despite the fact that the complainant has made huge investment. It is further submitted that after the case was registered, the accused Asha Chhabra was arrested on 28.08.2018 and she was released on bail. Similarly, Rohit Chhabra was also arrested and during the investigation, Section 34 IPC was deleted and Section 120-B IPC was added. Another accused namely Anil Dhoot also filed anticipatory bail application, which was dismissed upto the Hon'ble Supreme Court. Later on, during the investigation, Ramesh Malhotra, Ranjit Singh and Sunil Kumar were found innocent. The petitioner could not be arrested in this case and therefore, he has filed the anticipatory bail application.

Counsel for the petitioner has further submitted that there is no direct allegations against the petitioner and he is not named in the FIR. It is also submitted that a compromise has been effected between the complainant and the co-accused Rohit Chhabra, who has made certain payments and has been released on bail.

Counsel for the State has opposed the prayer for bail on the ground that during the investigation, it has come that the petitioner is the Managing Director of the TYROCOIN company, which was set up by him along with the co-accused and the custodial interrogation of the petitioner is required for the recovery of the documents, which are in possession of the petitioner.

Counsel for the State has also submitted that there are

serious allegations against the petitioner and the other complaints are also pending regarding cheating with other persons, in this regard. It is also argued that the FIR relate to 23.11.2017 and despite best efforts, the petitioner could not be arrested as he was avoiding his arrest and now he has filed this anticipatory bail application after more 02 years and has not allowed the prosecution to complete the investigation though, the challan against the two accused, who were arrested, has already been presented.

Counsel for the State, on the basis of the affidavit of the Deputy Superintendent of Police, Karnal, has further submitted that during the investigation, the co-accused Anil Dhoot, whose anticipatory bail application was dismissed, was arrested and has made a disclosure statement that the petitioner Umesh Khokhar and the co-accused Vatsal Patel, are the Managing Directors of the TYROCOIN company and the entire amount was transferred in the account of the company.

After hearing the counsel for the parties and considering the serious allegations against the petitioner and also in view of the fact that the anticipatory bail application of the co-accused of the petitioner was dismissed upto the Hon'ble Supreme Court and thereafter, he has surrendered before the trial Court, I find no ground to grant anticipatory bail to the petitioner.

Dismissed.

(ARVIND SINGH SANGWAN)
JUDGE

17.03.2021

yakub

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No