IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
(Heard through VC)

CRM-M-13582 of 2021 (O&M)
Date of Decision: 24.3.2021

Renu Garg

...Petitioner

Versus

State of Haryana

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. C.M. Munjal, Advocate
for the petitioner.

Ms. Deepshikha Chauhan, AAG, Haryana.

Ms. Rupali Srivastava, Advocate,
for the complainant.

JAISHREE THAKUR, J.

The petitioner herein seeks anticipatory bail in FIR No. 228 dated 2.7.2020 registered under Sections 408, 420, 120-B of the Indian Penal Code at Police Station DLF Gurugram, District Gurugram.

The aforesaid FIR came to be registered against the petitioner, her husband Vishal Garg, former General Manager Sales of M/s Kose Corporation India Private Limited, Sanjeev Chadha, former Regional Sales Manager of M/s Kose Corporation India Private Limited, Uma Chadha wife of Sanjeev Chadha, Vishal Sharma former Sales Executive of M/s Kose Corporation India Private Limited, Poonam Sharma, former Supervisor of M/s Kose Corporation India Private Limited and other unknown persons with the allegations that aforesaid persons were full time employees with the complainant, namely M/s Kose Corporation India Private Limited, and the accused had cheated the complainant. The complainant is a Japanese concern and is selling personal care and beauty products through distribution channel comprising of Super Stockiest, who stocked the goods of the complainant for further distribution. The stockiest was required to set up a structure for selling complainant's products and all expenses incurred were covered under the head of 'Maintenance Charges', which were eventually paid by the complainant to the stockiest. An invoice was raised by the stockiest and the said charges were paid by the complainant. On coming to know that a fraud was being committed, the complainant hired services of a private investigator and the accused were found to be involved in a criminal conspiracy with an intent of cheating and mis-appropriation of funds. It was alleged that the accused persons were creating fake stores and generating fake bills in the names of Rimpi Store, Shafu Store, Sahil Store, Arora Bros Store, Krishna General Store, Mohit General Store and a store had also been set up in name of wife of one of the accused. Vishal Garg was the mastermind in manipulating entries of sales and distribution structure. The petitioner herein is the wife of said Vishal Garg.

During investigation, it was found that on 26th July, 2018 an amount of ₹76,323/- had been transferred by one Manoj Kumar, who was one of the stockiest of the complainant company, in the account of Renu Garg, petitioner herein. The investigation would further reveal that an amount of ₹3,87,26,038/- was the loss incurred by the complainant company on account of fake bills submitted and cleared by the accused.

Learned counsel for the petitioner would contend that the petitioner has no connection with the complainant nor is she involved in its day to day business and, therefore, has wrongly been named as an accused in the FIR and, therefore, she would be entitled to grant of anticipatory bail. Learned counsel would rely on a certificate dated 13.2.2021 (Annexure P/1) issued by one Manoj Kumar of Surrey India, certifying that he had transferred an amount of ₹76323/- on 26.7.2018 to Renu Garg as personal loan from his side. It is submitted that the amount was received in the account as a loan that was advanced to the petitioner and, therefore, the question of embezzlement would not arise.

Whereas, learned counsel appearing on behalf of the respondent—State as well as the complainant, who are present through the medium of video conferencing, would submit that without custodial interrogation, it would be difficult to unearth how the accused managed to defraud the complainant company, which is a Japanese firm. It is argued that the certificate as relied upon by the petitioner, issued by Manoj Kumar to the effect that it was a loan given to Renu Garg, cannot be relied upon as Manoj Kumar is one of the super stockiests. It is submitted that the investigation would reveal that the said amount has been put in a Fixed Deposit thereafter. It is submitted that Renu Garg is none other than the wife of Vishal Garg, who was the mastermind and had siphoned off the money from the complainant, a Japanese firm and, therefore, once being a beneficiary of the siphoned money, it cannot be said that she had no connection with the allegations made in the FIR.

I have heard learned counsel for the parties and find that there is no ground to allow anticipatory bail to the petitioner.

Admittedly, it has come on record that an amount of ₹76323/-

was found to be transferred in the name of Renu Garg by Manoj Kumar, who himself is a stockiest. The argument that it is just an amount of ₹76,323/- that has been reflected in the account of the petitioner would have no merit, for, a fraud is a fraud that may be of ₹10 or more than that. Apart from that, there are serious allegations of Vishal Garg and others siphoning off above ₹3 crores of the complainant company, which as already noticed, is a Japanese firm. The matter has to be investigated, specially in view of the fraud committed upon an international company. Such frauds would deter other foreign companies from coming into India for investments or otherwise.

Consequently, this petition is dismissed. However, it is made clear that any observations made herein above have been made only for the purpose of disposal of this petition, which shall have no bearing on the merit of the case.

24.3.2021 **(JAISHREE THAKUR)**
prem **JUDGE**

Whether speaking/reasoned : Yes
Whether Reportable : No