IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CRM-M-23597 of 2021
Date of Decision: 21.06.2021

Shashi Kant @ Mota

Petitioner

Versus

State of Haryana

Respondent

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Pankaj Bali, Advocate for
Mr. Vaibhav Jain, Advocate for the petitioner.
Mr. Ankur Mittal, Addl. AG, Haryana.

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AVNEESH JHINGAN, J (Oral):

The matter is taken up for hearing through video conference due to COVID-19 situation.

This is a petition seeking anticipatory bail in FIR No. 142 dated 10.3.2021, under Sections 406 and 420 of IPC (Sections 467, 468 and 471 IPC added later on), registered at Police Station Sampla, District Rohtak.

The FIR was at the instance of Tasveer son of Banwari Lal. As per the facts stated, the complainant had seen an advertisement of Shree Ram Finance regarding loan and a phone number was mentioned. The complainant contacted on the given phone number enquiring regarding the loan. Petitioner received a call and he was asked to transfer Rs. 60,000/- as loan fee. The amount was deposited in the given account number. The calls were received on 5.3.2021 and 8.3.2021 seeking further deposit of Rs. 1,80,000/- regarding insurance. On 9.3.2021, Rs. 69,000/- were transferred to the account. The complainant was informed that his loan formalities have been completed and the amount would be credited in his account on 10.3.2021. On not receiving the amount, the complainant contacted Shree Ram Finance who stated that all the documents were forged. The phone numbers used were of Amit and Gaurav Vats. During investigation, it transpired that the account in which amounts were deposited was of Gaurav Vats. On further enquiry, it revealed that the documents of Gaurav Vats were used for opening the account but the account never belonged to him. The enquiry proceeded and when mobile numbers and their locations were enquired about, one mobile number allegedly used in the incident was zeroed upon. The CCTV footage from the bank was also recovered. The name of the petitioner surfaced during investigation that he is actively involved.

Learned counsel for the petitioner submits that the petitioner was not named in the FIR. It is a case of false implication as the petitioner had moved a complaint against the police officials for his implication in a false case registered under Section 376 IPC.

Learned counsel for the State appearing on advance notice vehemently opposes the prayer for grant of anticipatory bail. He submits that the petitioner is involved in three more cases, one under Section 376 IPC and two of the similar nature. On instructions, he submits that the petitioner was a king pin in the entire episode. He further submits that the amounts deposited in the account were withdrawn on various dates and on the said dates apart from other evidence, mobile location of the petitioner was there at the place of withdrawal.

The case in hand is of economic offence. Unlike other offences, trap for economic offence is well knitted. It needs a different approach to the investigation. At the time of registering of FIR, it is always not possible that all the accused are visible or known. It is during investigation the chain is sought to be completed.

In **State of Gujarat Versus Mohanlal Jitamalji Porwal and others (1987) 2 SCC 364**, the Supreme Court held as under:-

> *"5. ….The entire community is aggrieved if the economic offenders who ruin the economy of the State are not brought to book. A murder may be committed in the heat of moment upon passions being aroused. An economic offence is committed with cool calculation and deliberate design with an eye on personal profit regardless of the consequence to the community. A disregard for the interest of the community can be manifested only at the cost of forfeiting the trust and faith of the community in the system to administer justice in an even-handed manner without fear of criticism from the quarters which view white collar crimes with a permissive eye unmindful of the damage done to the national economy and national interest….."*

In **Y.S. Jagan Mohan Reddy Versus CBI (2013) 7 SCC 439**, the Supreme Court held as under:-

> *"34. Economic offences constitute a class apart and need to be visited with a different approach in the matter of bail. The economic offences having deep-rooted conspiracies and involving huge loss of public funds need to be viewed seriously and considered as grave offences affecting the economy of the country as a whole and thereby posing serious threat to the financial health of the country.*
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> *35. While granting bail, the court has to keep in mind the nature of accusations, the nature of evidence in support thereof, the severity of the punishment which conviction will entail, the character of the accused, circumstances which are peculiar to the accused, reasonable possibility of securing the presence of the accused at the trial, reasonable apprehension of the witnesses being tampered with, the larger interests of the public/State and other similar considerations."*

In the case in hand, learned counsel for the State submits that there is evidence against the petitioner including CCTV footage and tower location etc. In such circumstances, clothing the petitioner with the protection of pre-arrest bail will defeat the investigation of the case. Moreover, involvement of petition in two more similar cases is an indicator to his antecedents.

No case is made out for pre-arrest bail.

The petition is dismissed.

However, it is clarified that nothing stated hereinabove shall be construed as an expression of opinion on the merits of the case.

[AVNEESH JHINGAN]
JUDGE

21st June, 2021
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1. Whether speaking/ reasoned : Yes / No
2. Whether reportable : Yes / No