207 **IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH**

1) CRM-M-35882-2020
Date of decision: 23.07.2021

Anurag Sharma ....Petitioner

versus

State of Haryana ....Respondent

2) CRM-M-910-2021 (O&M)
Date of decision: 23.07.2021

Girish Sharma ....Petitioner

versus

State of Haryana ....Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. R.S. Mamli, Advocate
for the petitioners.

Mr. Gaurav Jindal, Addl.A.G., Haryana
for the respondent-State.

FATEH DEEP SINGH, J.

Due to outbreak of pandemic COVID-19, the instant case is being taken up for hearing through video conferencing.

The above two detailed regular bail applications under Section 439 Cr.P.C. having been arisen out of the same FIR No.543 dated 25.08.2017 under Sections 409, 420 of the Indian Penal Code registered at Police Station Sonipat City, District Sonipat, for the sake of brevity, are being taken up and disposed off together.

The present case was got registered on the basis of an application moved by the victims of a series of financial frauds. The crux of the allegations are that the accused including present petitioners-Anurag Sharma, the Zonal Manager and his son, Girish Sharma, Chief General Manager, including Rambir Singh Farman, Jai Parkash Antil, Branch Manager, Virender Singh Patwal, Sajjan Kumar, Rajesh Kumar Pandey @ Asht Bhuj Pandey, Raj Kumar Tiwari, enticed poor persons, primarily in the district of Sonipat, under the guise of running Gramya Vikas Credit Cooperative Society, Sonipat and on fraudulent and false pretexts, enticed gullible persons to invest in their schemes of FD/RD/MIS and daily schemes and in the process, managed to hoodwinking 203 victims who deposited in all approximately Rs.1,50,00,000/- with the accused persons on the promise of handsome returns and, subsequently, failed to return the amount and disappeared, leading to the registration of the present case. The accused/petitioners-Anurag Sharma and Girish Sharma, were both arrested on 23.11.2019 and have sought these regular bails.

Heard counsel of both the parties and perused the records.

Mr. R.S. Mamli, Advocate for the petitioners has vociferously argued that the petitioners are behind the bars since more than 20 months and that being a case of trial by the Court of the Magistrate, in the light of there being no sign of trial to begun call for grant of bail. It is further contended that the principal accused-Raj Kumar Tiwari, who was the Chairman of the said Society, has already been granted anticipatory bail and so other co-accused. Much stress has sought to be laid on the fact that the petitioners are mere ordinary employees of the Society and did not receive any money, much less any intend to commit fraud and has sought to highlight that it was on the complaints of the petitioners, the law has been set into motion.

The learned State counsel has opposed the grant of bail on the grounds that it was a big scandal committed by the accused in criminal conspiracy with each other. The State has sought to plead that if allowed bail, there is every likelihood that the petitioners might influence the trial.

Going through the submissions, apparently, there are no specific allegations *qua* the petitioners of their active role in the commission of the offences. The principal accused-Raj Kumar Tiwari has been released on anticipatory bail and so some of the accused, is strong circumstances in favour of the petitioners.

Keeping in view the period of incarceration and the likelihood of trial being prolonged on account of prevalent COVID-19 pandemic as well as the fact that certain amounts have already been recovered from the co-accused is a strong circumstance impelling this Court to allow the present bail. Culpability, if any, would be determined at the time of trial. No useful purpose shall be served by further detention of the accused.

The present petition stands allowed accordingly. Bail to the satisfaction of Illaqa, duty/Trial Court.

(FATEH DEEP SINGH)
JUDGE

23.07.2021
Neha

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No