IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

Date of Decision: *24th March, 2022*

1.

Criminal Miscellaneous No.M-258 of 2022

Ranjan Kohli

..... PETITIONER(S)

VERSUS

State of Punjab

..... RESPONDENT(S)

. . .

2.

Criminal Miscellaneous No.M-1497 of 2022

Lalita Basandra & another

..... PETITIONER(S)

VERSUS

State of Punjab

..... RESPONDENT(S)

. . .

CORAM: **HON'BLE MR. JUSTICE SANT PARKASH**

. . .

PRESENT: - Mr. Ashwani Kumar Antil, Advocate, for the petitioner in CRM-M-258 of 2022.

Mr. Ranjit Singh Cheema, Advocate, for the petitioners in CRM-M-1497 of 2022.

Mr. V.G. Jauhar, Senior Deputy Advocate General, Punjab.

Mr. Sandeep S. Majithia, Advocate, for the complainant.

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Sant Parkash, J

This judgment shall decide aforementioned two petitions as they arise from same FIR and involve similar facts and questions of law.

The petitions have been filed under Section 438 Cr.P.C. for grant of anticipatory bail in case FIR No.0225 dated 07.12.2021 registered at Police Station, Jodhewal, District Ludhiana.

The present FIR has been registered on the basis of complaint moved by Sunil Kumar against Ranjan Kohli, Rajeev Basandra, Payal Basandra wife of Rajeev Basanda, Kiran Basandra and his wife Lalita Basandra alleging that there is a temple in his house made by his brother Amit Kumar @ Rinku Baba where he also worships and perform Pooja. Rajeev Basandra and his family also used to visit there. Subsequently, Rajeev Bsandra induced the complainant to invest money in their business of export on the assurance of getting huge profit. On the asking of Rajeev Basandra, complainant alongwith Gurjinder Singh, Gurdeep Singh @ Neeta, Vinay Jindal, Robin Simak and Rishab Simak invested approximately ₹ 43 lac vide different transactions in their business on the assurance of petitioners that they would get 30% return on the invested money and same would be returned whenever they need. An agreement dated 17.07.2020 was also executed by Rajeev Basandra in favour of complainant & other persons, whereupon they transferred ₹ 2,88,000/- in the account of brother of complainant namely Amit Kumar @ Rinku Baba. On 10.05.2021, complainant alongwith Gurdeep Singh @ Neeta demanded their money but Rajeev Basandra threatened them of implication in false cases.

Learned counsel for the petitioners has submitted that they have been falsely implicated in the instant case at the instance of complainant. They have nothing to do with the alleged offence and are innocent. No recovery has been effected from the petitioners. Moreover, contents of the FIR reveal that the present case is a civil dispute.

Complainant registered the present case against the petitioners just to humiliate and harass them. The petitioners have been allegedly implicated in the present case only to extort money though there is no specific allegation regarding cheating or threat. They are not involved in any other case of similar nature. The petitioners are ready to join investigation and shall cooperate with the investigating agency.

Per contra, learned counsel for the respondent – State as well as counsel for the complainant have vehemently opposed the prayer made in the petition. Learned counsel contended that petitioners hatched a criminal conspiracy and in pursuance of same, they induced complainant to invest money in their business and extracted money on the pretext of giving 30% return, however, neither money nor any profit was ever returned, rather threatened the complainant. During inquiry, Rajeev Basandra admitted that he had received the payment through bank transactions and failed to substantiate his version of export as he was not able to produce any purchase bill or any transportation document. Rajeev Basandra alongwith his family members and petitioners intentionally cheated the complainant and other persons and extracted money to the tune of approximately ₹ 43 lac.

Learned counsel have contended that there are specific allegations against the petitioner Ranjan Kohli and details of the transactions made to the petitioner are as follows:-

1. ₹ 50,000/- dated 02.04.2019 by Amit Kumar @ Rinku through Axis Bank.

2. ₹ 60,000/- dated 09.09.2019 by Amit Kumar @ Rinku through Axis Bank.

3. ₹ 50,000/0 dated 06.02.2020 by Sunil Kumar (complainant) through Canara Bank.

4. ₹ 40,000/1 dated 06.02.2020 by Sunil Kumar through Canara Bank.

5. ₹ 40,000/- dated 06.02.2020 by Reetu Dhawan (complainant's eife) through Canara Bank.

Learned counsel further contended that Rajeev Basandra in his statement as well as in his reply dated 17.05.2021 sent through counsel had admitted that money was transferred through bank transactions to them and petitioners were also partners. Learned counsel further contended that custodial interrogation of petitioners is required to know the modus operandi regarding the offence, to recover the money as well as to know whether any other person is involved or not.

I have heard counsel for the parties and gone through the record.

As per the prosecution version, complainant has been cheated by the petitioners alongwith Rajeev Basandra. It was Rajeev Basandra who induced complainant & others to invest money in his business on the assurance of giving 30% return. As per para 5 of reply, five transactions though have been shown allegedly made by the complainant party but there is no documentary evidence which would show that the aforesaid amount was deposited in the accounts of petitioners. Though, presence of the petitioners is reflected but there is no specific allegations against them that they ever induced the complainant to invest money. Rather, it was Rajeev Basandra who is the main culprit and he is the person who induced the complainant and others to invest money in his business and cheated the complainant on the false pretext of giving 30% profit on the invested money. Beside, Rajeev Basandra also threatened the complainant party when they asked him to return the money.

On the other hand, account details of petitioner Ranjan Kohli, for the last three years, have been placed on file and no such transaction is reflected there that any such amount was ever credited in his account.

With regard to the other petitioners, who are the parents of the main accused, no particular role or entrustment has been attributed.

Keeping in view the totality of facts & circumstances of the case and without commenting anything on its merits, both the petitions are allowed and it is ordered that in the event of arrest, petitioners shall be enlarged on bail to the satisfaction of Investigating Officer and subject to the following conditions enshrined under Section 438(2) Cr.P.C.:-

1. The petitioners shall make themselves available for interrogation by as and when required;

2. They shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer;

3. They shall not leave India without the previous permission of the Court;

(Sant Parkash)
Judge

24th March, 2022
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Whether Speaking/ Reasoned: Yes/ No
Whether Reportable: Yes/ No