IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-5582-2022(O&M)
Date of decision:-5.7.2022

Parveen Bhatnagar

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR.JUSTICE H.S. MADAAN

Present: Mr.R.K. Saini, Advocate
for the petitioner.

Mr.S.S. Pannu, DAG, Haryana.

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H.S. MADAAN, J. (ORAL)

CRM-22594-2022

1. This is an application for placing on record the final report under Section 173 Cr.P.C. dated 16.3.2020 and supplementary report under Section 173 Cr.P.C. dated 10.6.2020 as Annexure P19 and Annexure P20, respectively.

2. The application is allowed and documents are taken on record, subject to all just exceptions.

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3. Reply filed on behalf of the respondent - State be taken on record.

4. This third petition for regular bail has been filed by petitioner Parveen Bhatnagar, aged about 60 years son of Sh.Narayan Savroop Bhatnagar, resident of House No.1554, Thandi Sarak, Near Railway Station, Hisar, an accused in FIR No.592 dated 29.11.2019, under

Sections 406, 420, 467, 468, 471 IPC and later on added Section 3(2) of the Haryana Protection of Interest of Depositors in Financial Establishment Act, 2013, registered with Police Station HTM, Hisar. The first two similar petitions i.e. CRM-M-5344 of 2021 and CRM-M-1902-2022 filed by the petitioner were withdrawn on his behalf on 31.3.2021 and 21.1.2022, respectively.

5. Briefly stated, the facts of the case, as per the prosecution story are that criminal machinery in this case was set into motion by complainant Ravinder Kumar, resident of Mill Gate, Hisar by moving a written complaint at Police Post Mohalla Dogran, Hisar on 29.11.2019 contending therein that petitioner Parveen Bhatnagar had been managing the affairs of society called Income Tax & Central Government MITC Society Limited, situated at 1560 Double Phatak, Thandi Sadak, Hisar in the capacity of Secretary and he had allured the complainant and his family members in depositing considerable amounts giving them assurances that the deposits would earn handsome interest. He had given various details of such deposits by him and his family members in the written complaint, the total of such deposits being Rs.4,16,680/-. In the complaint, the complainant expressed a grouse that petitioner had not returned even a single penny to him or his family members, thereby cheating them and he has done so with several other innocent persons from general public. In the complaint, the complainant had also blamed on Rai Singh Rawat - President, Jagdish Chander Sharma – Vice President of the society besides Amar Nath Yadav, Smt.Anguri Devi and Kuldeep Kumar seeking action against them.

6. Accordingly, formal FIR was registered and investigation in

the case started. The petitioner was arrested in this case on 16.1.2020. He had moved applications for regular bail in the Courts below but was unsuccessful and thereafter he had come to this Court seeking similar relief. As mentioned above, he had filed two petitions on previous occasions, which had been withdrawn by him. Now he has come to this Court for the third time craving for that very relief of regular bail, which request is being opposed by the State counsel.

7. I have heard learned counsel for the parties besides going through the records.

8. Learned counsel for the petitioner has stated that the society was registered on 25.7.1997 and petitioner happened to be its Honorary Secretary; about 400-500 accounts were opened with the society by the non-members, who were paid interest @ 12% to 15% on the deposits since the money so deposited used to be lent to borrowers @ 18% per annum; the things were quite smooth and normal for about 18-19 years but unfortunately of the late the amount lent to the borrowers got stuck and society could not make payments to the depositors in time; there was no question of the amount deposited by the complainant and his family members having been misappropriated, rather the total amount mentioned in the FIR has been paid to the complainant and his grouse is with regard to the interest only. He has further contended that the FIR has been lodged by the complainant as a short-cut to recover the amount of interest due and rather the whole dispute is of civil nature. He has pointed out that though 13 criminal cases have been registered against the petitioner but those are based upon similar allegations and he has been granted bail in several cases by the Court of Sessions as well as this Court. He has

attached copies of orders granting bail to the petitioner in FIR No.342 dated 19.7.2019, FIR No.595 dated 30.11.2019, FIR No.606 dated 4.12.2019, FIR No.607 dated 4.12.2019, FIR No.679 dated 31.12.2019, FIR No.26 dated 10.1.2020, FIR No.56 dated 22.1.2020, FIR No.01 dated 1.1.2020, FIR No.614 dated 7.12.2019, FIR No.615 dated 7.12.2019, FIR No.645 dated 18.12.2019, FIR No.671 dated 27.12.2019, FIR No.680 dated 31.12.2019.

9. Whereas learned State counsel has submitted that the petitioner has misappropriated the hard earned money of the complainant and other depositors for which 13 FIRs have been registered against him; the trial against the petitioner is going on and he does not deserve concession of bail during pendency of the trial.

10. After hearing the rival contentions and going through the record, I find that since the money is said to have been deposited with co-operative society, of which the petitioner is said to the Secretary, managing its affairs and the account cooperative society are audited periodically, though some lapses and irregularities are said to have been revealed on account of carrying out of audit but then it is debatable as to whether those can be considered to be criminal offences committed by the petitioner. A co-operative society is subject to scrutiny and supervision of various authorities under the relevant Cooperative Act. Though guilt of the petitioner/accused would be established during the trial but the trial seems to be moving at very slow pace and its conclusion is likely to take considerable time. The petitioner/accused is said to be a senior citizen. He is behind bars since 16.1.2020 i.e. a period of more than 2 ½ years. He has been granted bail in various other cases registered on similar allegations.

Thus, I find that further detention of the petitioner/accused during the pendency of the trial would not be proper. Therefore, the petition is allowed and the petitioner be admitted to bail during the pendency of the trial, subject to his furnishing bail bonds and surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate, Hisar, subject to the following conditions:

(i) he shall appear in the Court on each and every date of hearing;
(ii) he shall not give any threat or intimidation to the prosecution witnesses;
(iii) he shall not indulge in any criminal activity;
(iv) he shall join the investigation as and when directed by the Investigating Officer; and
(v) he shall not leave India without prior permission of the Court;

In addition to that the trial Court may impose any term and condition found suitable to ensure that the petitioner does not abscond and interfere in the trial.

In case the petitioner violates any term and condition on which the bail has been granted to him, the prosecution would be entitled to apply for cancellation of bail.

5.7.2022 **(H.S. MADAAN)**
Brij **JUDGE**

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No