

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-9428-2022

Date of Decision: 28.04.2022

Amarjit Singh Dhingra

....Petitioner(s)

Versus

State of Punjab

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. P.K.S. Phoolka, Advocate, for the petitioner(s).

Mr. Randhir Singh Thind, DAG, Punjab.

JASGURPREET SINGH PURI, J.(Oral)

An affidavit has been filed by the Deputy Superintendent of Police (City), Moga, District Moga in the Court today, which is taken on record.

Copy has been supplied to Mr. P.K.S. Phoolka, learned counsel for the petitioner and he has stated that he perused the same and has prayed that the matter may be heard.

The present petition has been filed under Section 439 of the Code of Criminal Procedure for the grant of regular bail to the petitioner in FIR No.217 dated 22.08.2019, under Sections 420, 409, 120-B IPC, registered at Police Station City Moga, District Moga.

As per the FIR, the petitioner is a Managing Director of one company namely M/s Sarb Agro Company which is duly registered with the Registrar of Companies, having Head Office at Bathinda and there are

number of other Directors who are also co-accused in the present case. The allegations against the petitioner and the other co-accused were that the said Company was taking money from common people including farmers for the purpose of doing the business of buffalos, cows and goats. As per the allegations in the present FIR, the company of which the petitioner is the Managing Director took money from about 35 people to the tune of Rs. 4.66 crores. The petitioner was also declared as a proclaimed offender on 11.08.2020 and thereafter he was arrested as per the affidavit filed by the State.

Learned counsel for the petitioner has submitted that the petitioner is in custody from 19.03.2021 and the investigation of the case is complete and charges have been framed on 05.08.2021 and no prosecution witness has been examined till date and the petitioner is aged 67 years and, therefore, he may be considered for the grant of regular bail. He further submitted that although there are allegations of Rs.4.66 crores against the petitioner but there is nothing on the record to show as to whether the petitioner's company has received such an amount or not and rather earlier some amount was paid back to the persons who had deposited the money.

On the other hand, Mr. Randhir Singh Thind, learned DAG, Punjab has argued while referring to the affidavit filed by the State that it is not just one FIR pertaining to 35 persons who had filed a complaint against the petitioner that an amount has been taken by the petitioner's company and embezzled by him to the tune of Rs. 4.66 crores. Apart from the present FIR, there are two more FIRs on similar basis wherein allegations have been made that the petitioner's company has taken money and embezzled the entire amount. He further submitted that some cheques were issued by

the company in favour of some of the complainants and there are 34 cases pertaining to Section 138 of the Negotiable Instruments Act, 1881 which are still pending. He further submitted that modus operandi adopted by the petitioner who is the Managing Director of the company was that he used to take money from farmers for the purpose of setting up buffalos, cows and goats farms so that the money can be doubled or increased to 1 ½ times within a period of three years and embezzled crores of rupees from them and large number of persons were cheated by the petitioner. He further submitted that the money which was deposited in the company was siphoned off by the petitioner and the other co-accused to Dubai and they formed another company in whose favour the money was siphoned off and in this way large scale embezzlement was committed of poor farmers and other persons.

The learned Deputy Advocate General further submitted that the petitioner instead of submitting to the investigation process absconded and eventually he was declared as a proclaimed offender on 11.08.2020 and thereafter, he was arrested by the police on 19.03.2021. He further submitted that the other co-accused are still absconding and considering the magnitude and gravity of the case and also the conduct of the petitioner there is an apprehension that in case the petitioner is released he may again abscond and may even try to influence the witnesses and, therefore, has vehemently opposed the grant of regular bail to the petitioner.

Mr. Ankit Joshi, Advocate has appeared on behalf of the complainant and has stated that the petitioner who is Managing Director of a company after taking money from large number of people has not given back even a single penny and crores of rupees have been embezzled by him.

I have heard the learned counsel for the parties.

Although the petitioner is in custody from 19.03.2021 and the petitioner is of the age of 67 years but the facts and circumstances of the present case would show that it is a case where the magnitude of the amount involved in the present case is so high that this Court would consider the prayer of the petitioner for grant of bail in the light of peculiar circumstances of the case. In the present FIR, the allegations were that the petitioner who is the Managing Director of a company had embezzled Rs. 4.66 crores and not paid back any amount to the poor persons who had given money and posed faith in the company and as per the allegations the money was siphoned off to Dubai. Apart from the same, the other co-accused are still absconding as per the learned State counsel. The petitioner is also involved in two more FIRs of similar nature. The apprehension expressed by the learned Deputy Advocate General, Punjab that considering the fact that the petitioner was declared proclaimed offender in the present case and he was subsequently arrested, there is every likelihood that he may again abscond and may influence the witnesses cannot be ignored.

Therefore considering the magnitude and gravity of the offence, this Court does not deem it fit and proper to grant bail to the petitioner.

Consequently, the present petition is hereby dismissed.

However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is meant for the purpose of deciding the present petition only.

28.04.2022

rakesh

(JASGURPREET SINGH PURI)
JUDGE

Whether speaking	:	Yes/No
Whether reportable	:	Yes/No