IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-14714-2022 (O&M)
Date of Decision:- 18.5.2022

Vikalp Goutam Pawar ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Sanjay Kaushal, Senior Advocate with
Mr. Anurag Goyal and Arjun Shukla, Advocates for the petitioner.

Mr. Rajiv Sidhu, DAG, Haryana,
assisted by SI Jawahar Singh.

Mr. Nitin Jain, Advocate for the complainant.

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GURVINDER SINGH GILL, J.

1. The petitioner seeks grant of anticipatory bail in a case registered vide FIR No. 222 dated 30.3.2018 under Sections 406, 419, 420, 467, 468, 471, 120-B, 201 IPC at Police Station Sadar Palwal, District Palwal.

2. The FIR was lodged at the instance of Neeraj Jain, Director, M/s Namo Alloys Pvt. Ltd. wherein it is alleged that in October 2015 he had appointed Ritesh Jaju in his company to maintain accounts and he has been working continuously ever since. On 1.3.2018, during the course of audit, it transpired that Ritesh Jaju, C.A. has embezzled an amount of about ₹5 crores in connivance with bank officials, Company staff, Aditya Group, Gupta Group, Cool Age Air Condition, Ganpati Aman, N.K. Builder, M.G. Trading, Raj Enterprises, Shiv Enterprises, by preparing forged documents and the

amount had been transferred in the accounts of the said companies. Upon further inquiry made by the complainant, it surfaced that Ritesh Jaju has been committing the said fraud in connivance with the aforesaid companies and his wife Priyanka Jaju. Since at the time of lodging of the FIR, the audit was still going on and it was expected that the total amount defrauded would ultimately be found to be much more.

3. It is the case of prosecution that it was ultimately found that infact an amount of ₹ 43 crores approximately had been embezzled from the bank accounts of the company on the basis of forged and fabricated documents and that the said fraud had been committed by Ritesh Jaju in connivance with bank officials, 68 firms and that the beneficiaries included his father and wife.

4. The learned counsel representing the petitioners has submitted that the petitioner is no where named in the FIR and is sought to be arrested mainly on the ground that he has not produced Ramesh Chandra Prajapati, who is stated to be associated with the fraud in question. The learned counsel has submitted that he is also sought to be nominated as an accused on the premises that he has benefited through a firm M/s Black Cat Enterprises whereas he has nothing to do with the said firm inasmuch as the partners of the said firm are Ramesh Chandra Prajapati and Ganesh Purushottam Acharya. The learned counsel submits that while he does not deny that he is acquainted with Ramesh Chandra Prajapati but he cannot saddled with the responsibility or held responsible in any manner in case said Ramesh Chandra Prajapati is untraceable. The learned counsel has further submitted that since several other co-accused have been granted regular bails or

anticipatory bail, the petitioner also deserves the same concession on grounds of parity.

5. On the other hand, the learned State counsel assisted by counsel for the complainant has submitted that during the course of investigation, the police has collected sufficient evidence which points towards the complicity of the petitioner and that as such, his custodial interrogation is absolutely necessary so as to unearth the finer details of the entire racket wherein huge amount of about ₹ 43 lacs has been siphoned off from the accounts of the company of the complainant.

6. I have considered submissions addressed before this Court. This Court finds that there is sufficient evidence to connect the petitioner with M/s Black Cat Enterprises and with the fraud in question so as to justify his custodial interrogation. The said evidence is stated hereinunder :

(i) The police has recorded the statement of Mr. Zakir Khan, Airtel Retailer (Annexure R-9) who has stated that Jai Parsad Ravinder and Haresh Parmod Rane frequently used to call him to the office of their employers Bishambar Pedenker and Vakalp Goutam Pawar (petitioner) and they used to purchase SIM cards from him.

(ii) To a similar effect are the statements of Jai Parsad Ravinder and Haresh Parmod Rane, which have been annexed as Annexure R-10 and Annexure R-11. A perusal of the application form for purchase of SIM No. 8976022250 (Annexure R-8) shows that the same had been issued in the name of Vakalp Goutam Pawar (petitioner).

(iii) A copy of bank statement (Annexure R-2) in respect of bank account of M/s Black Cat Enterprises which shows that the said firm had received an amount of ₹47,75,200/- on 11.12.2017 from the account of M/s Namo Alloys Pvt. Ltd. (complainant's company). The corresponding entry is also reflected in the bank statement of M/s Namo Alloys Pvt. Ltd., annexed as Annexure R-4. On the same very day i.e. on 11.12.2017, there is a transfer of an amount of ₹6 lacs into the account of the petitioner maintained in DCB Bank, as would be evident from the bank account statement of the petitioner, which is annexed as Annexure R-5 wherein a credit of ₹ 6 lacs is reflected. Though, learned counsel for the petitioner has disputed the said entry on the ground that the said amount had been received from Rajendra Kashinath and not from the account of M/s Black Cat Enterprises, but nothing has been shown to this Court as to who is Kashinath.

(iv) A perusal of account opening form of M/s Black Cat Enterprises (Annexure R-1) shows that the phone number mentioned therein is 9867990914. It has been submitted that the firm of M/s Black Cat Enterprises, though shown to be under the proprietorship of Ramesh Chandra Prajapati and Ganesh Purushottam Acharya, was actually being managed by the petitioner. The learned counsel in order to hammer forth his aforesaid contention has submitted that the aforesaid phone number is infact being used by the petitioner and has referred to the application submitted by Ganesh Purushottam Acharya at the time of purchasing SIM where he gave his alternate phone number as 8976022250 and the said phone No. 8976022250 stands issued in the name of the petitioner, as would be evident from Annexure R-8.

(v) The Rent Agreement (Annexure R-3) in respect of the office premises of M/s Black Cat Enterprises was executed in the name of the petitioner i.e. Vakalp Goutam Pawar wherein the mobile phone of Vakalp Goutam Pawar is mentioned as 8976022250.

(vi) Though, petitioner had earlier taken a stand that he is having only one bank account in DCB bank whereas upon investigation, it has been found that he is having several other bank accounts in various other banks, though the same are being held by him as a partnership with some other firms.

7. The aforesaid facts clearly shows that the petitioner is thick with M/s Black Cat Enterprises and cannot be said to be an absolute alien to the same.In view of the aforestated position, this Court certainly finds that the custodial interrogation of the petitioner would be required so as to find out the finer details of the *modus operandi.*

8. No special case for grant of anticipatory bail is made out. The petition is sans merit and is hereby dismissed.

18.5.2022 **(Gurvinder Singh Gill)**
kamal **Judge**

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