IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M No.14486 of 2020 (O&M)
Date of decision: 23.02.2022

Dinesh Khatri

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Sanjay Vashisth, Advocate
for the petitioner.

Mr. Deepak Kumar Grewal, DAG, Haryana.

Mr. Deepender Singh, Advocate
for the complainant.

ARVIND SINGH SANGWAN J. (Oral)

Prayer in this petition is for grant of anticipatory bail to the petitioner in FIR No.238 dated 13.04.2018, registered under Sections 406, 420, 467, 468, 471, 506 and 120-B IPC and Section 3 of the Haryana Protection of Interest of Depositors in Financial Establishment Act, 2013, at Police Station Sector 31, Faridabad, District Faridabad.

This petition is pending since June, 2020 and there was no interim protection granted to the petitioner and the case was adjourned on the request of the respective counsels.

Brief facts of the case as per the FIR, registered on a complaint given by Kanwaljeet Singh, are that the petitioner is a Director of M/s. Celebrations Jewellers Private Limited, and he along with 10 other accused has cheated the complainant by preparing forged documents and with a fake promise that they will execute the sale deed qua the properties located in good locations and on that pretext, huge amount was taken by the petitioner and others. It is stated by the complainant that the accused persons received Rs.1 crore 30 lacs from the complainant by showing him properties equivalent to the value with a promise that they will get the sale deed executed or in the alternative, pay the interest on the advanced amount till the time the sale deed is executed, however later on, they backed out and committed the offence of forgery and cheating.

Counsel for the petitioner has further submitted that the petitioner is not the active Director and rather was an employee of the Company and nothing is attributed to him. It is also submitted that initially a challan has been presented against 07 persons including the Directors of S.R.S. Group and other groups and till date, no challan has been presented against the petitioner. It is further argued that it is a money dispute and therefore, the custodial interrogation of the petitioner is not required.

Counsel for the State has placed on record the affidavit of the Assistant Commissioner of Police, Sarai, Faridabad, in which after giving the details of the FIR, the details of the investigation carried out so far has been given. It is stated that there are several other complaints against the petitioner and other Directors/Managing Director of S.R.S. Group Limited and number of other cases have also been registered. It is also stated that the complainant vide 02 cheques has deposited the amount with M/s. Navdurga Trade Link Private Limited and M/s. Celebrationss Jewellers Private Limited and one of the co-accused has even issued a receipt.

It is also stated that during the investigation, it is found that the cheques received by the petitioner and the co-accused from different investors have been forged by adding *"share application account"* upon the cheques and encashed the same and transferred the said amount in their own current account of the Companies and then, transferred to the sister concerns of the Company. The petitioner and the co-accused Amit Kumar were having authority to operate the bank account and without taking the consent of the investors, their amount was siphoned off by passing false resolution in purchasing the share and then sold it to others. It is further stated that the petitioner is the Director in 07 more Companies of S.R.S. Groups and apart from the complainant, one Rajinder has invested Rs.50.00 lacs and one Karan Singh has invested Rs.37.00 lacs and their complaints are also clubbed in the present FIR. It is also stated that as per the investigation, the petitioner has received the amount in his personal account from the account of M/s. Celebrations Jewellers Private Limited by doing many cash transactions in his personal account, thereby causing financial benefit to himself and loss to the complainant and other investors. Most of the shareholders of M/s. Celebrations Jewellers Private Limited, are in the name of the petitioner and his family members and just to fake his status, he is shown as an employee and after misappropriation of money, he has shown his salary as double of the earlier salary.

Separate reply on behalf of the complainant is also filed, in which it is stated that the petitioner is involved in some cases and the petitioner in order to escape his liability is now showing himself as a dummy Director of M/s. Celebrations Jewellers Private Limited though, he was inducted as a whole-time Director and has misappropriated the amount of people of several crores of rupees. It is further stated that the address of one of the Company of S.R.S. Group, is shown to be a residential address of the petitioner, which falsify his claim that he is an employee.

After hearing the counsel for the parties, considering the serious allegations against the petitioner and also in view of the fact that the FIR pertains to the year 2018 and the petitioner is evading his arrest and also in view of the fact that there serious allegations against the petitioner, which requires his custodial interrogation for concluding the investigation, I find no ground to grant the concession of anticipatory bail to the petitioner.

Dismissed.

(ARVIND SINGH SANGWAN)
JUDGE

23.02.2022
yakub

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No