

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-29203-2019 (O&M)

Date of Decision:- 25.7.2022

Deepak Singh

... Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. B.S. Rana, Senior Advocate with
Mr. Nayandeep Rana and Mr. Vikas P. Singh, Advocates,
for the petitioner.

Mr. Rajiv Sidhu, DAG Haryana,
assisted by ASI Jamil.

Mr. Deepender Singh, Advocate for the complainant.

GURVINDER SINGH GILL, J.

1. The petitioner seeks grant of anticipatory bail in a case registered against him vide FIR No. 449 dated 25.7.2016 under Sections 420, 406, 506, 120-B IPC at Police Station City Palwal, District Palwal.
2. The FIR was lodged at the instance of Dinesh Singh. The translated gist of the FIR reads as under :-

“To, S.H.O Police Station City Palwal. Subject:- complaint for registration of case against Rambir son of Shri Jagdish son of Shri Parat and Om Parkash son of Jagdish, Mahender son of Jagdish and Deepak, Gaurav, Mohit sons of Rambir and Smt. Sushila wife of Rambir and Smt. Khusbu wife of Deepak residents of village Agwanpur at present HUDA Sector-2, Tehsil and District Palwal, for committing cheating of crores of rupees, committing breach of trust and on asking for return of money, extending threats to kill.

Sir, it is submitted that I, Dinesh Singh son of Sh. Tej Pal, am a resident of village Agwanpur Tehsil and District Palwal.

- 1. That I and Mahabir son of Suresh Chand, Tejpal son of Sh. Karori Singh, Bhupender Singh son of Aidal Singh, Om Parkash son of Sh. Padam Singh, Anil, Brijesh, Vasdev, Bharat Pal, Jatin, Deepak, Sushila widow of Devi Ram, Manta widow of Shri Rajpal, Dharam etc. while being taken into confidence by accused gave money to them on various occasions to make double the amount. We have given Rs. five crores after making society to Rambir and his family members by taking their signatures etc. These accused do not have any registered firm. In case there is any firm, the same has not been disclosed to us. These people have run away after taking about 40/50 crores of rupees from people of Palwal city. We came to know from sources that from the money obtained from cheating, they have acquired plot, house, petrol pump, Jewellery and have bank balance in the name of sister, brother-in-law, brothers, and other relatives.*
- 2. Sir, we all have been cheated. When we go to them to demand back our money, he (Rambir) threatened to kill us and to get us involved in false case. On 30.06.2016 at 10 AM I alongwith Deepak son of Deviram, Sushila widow of Sh. Devi Ram and Smt. Manta widow of Rajpal Singh went to their house in HUDA Sector-2 Palwal for demanding money, then they abused us and in the meantime Deepak, elder son of Rambir came there carrying a gun. Gaurav, younger son of Rambir carrying country made pistol in his hand, and Mohit carrying Saria also came there and said that we are "Thakur" and if anybody said anything to their father, then they will be killed. In the meantime, Om Parkash elder brother of Rambir came there and said that he is a Tantrik and by using black magic he will finish us and our family. Then Mahender, younger brother of main accused came there and said if anybody demanded money from my brother Rambir, then he will kill him. Upon a commotion having been raised, Sushila wife of Rambir and Khusboo wife of Deepak elder son of Rambir came there and said if we raised the dispute they will teach us a lesson by getting registered case of molestation and rape after entering into their house.*
- 3. Sir, they all in conspiracy have run away from the city after taking Rs. five crores from residents of village Agwanpur. Therefore you are*

requested to take stern action against the accused and our money be got returned to victims. We will be highly thankful.

Complainant:- Shri Dinesh Singh son of Tej Pal Mob. No. 9812777482.”

3. The learned counsel for the petitioner has submitted that the petitioner has falsely been implicated solely on account of the fact that he happens to be son of Rambir, who is alleged to be the main accused. It has been submitted that since the main accused Rambir as well as Mahender Singh have already been granted bail, the petitioner also deserves the same concession on grounds of parity. It has also been submitted that another *verbatim* FIR i.e. FIR No. 539 dated 13.7.2016 under Sections 420, 406, 506, 120-B IPC, Police Station Camp Palwal was also lodged after about 20 days of lodging of the instant FIR and this Court vide order dated 19.8.2019 passed in CRM-M-24236-2019 had granted anticipatory bail to the petitioner and as such even in the present case where absolute identical allegations have been levelled, the petitioner deserves the same concession.
4. Opposing the petition, the learned State counsel, assisted by counsel for the complainant, has submitted that since the petitioner is specifically named in the FIR and specific allegations are levelled against him, no case for grant of anticipatory bail is made out.
5. I have considered rival submissions addressed before this Court.
6. As far as FIR is concerned, there are specific allegations that Rambir and other members of his family who are named therein had cheated the complainants and other residents of the village, of crores of rupees on pretext of returning the same with hefty returns. The petitioner is specifically named and is none else but real son of main accused Rambir.

There is also an allegation to the effect that when the complainant and other aggrieved persons went to the house of the accused to demand their money back, the petitioner Deepak Singh while brandishing a gun threatened to kill them. There is ample evidence to show that the petitioner and his father Rambir and other members of his family were all conniving with each other so as to defraud innocent people of huge amount.

7. A perusal of the reply filed by State, which is accompanied by statements of some of the aggrieved persons, would indicate complicity of the petitioner. The police has collected evidence to show that the petitioner used to collect amount from the investors, in the absence of his father.
8. It is also evident that the accused Rambir (father of the petitioner) has been issuing cheques in favour of various investors, which were dishonoured. The learned counsel for the complainant has drawn the attention of this Court to a photocopy of a cheque bearing cheque No. 000006 dated 27.6.2016 of HDFC Bank issued in favour of Keshav Dalal (Annexure C-1), which upon presentation was not honoured as payment was stopped. The cheques had been submitted under the signatures of the petitioner which clearly shows that he was actively involved in the scam.
9. Though, the learned counsel vehemently argued that since the petitioner has been granted bail in a *verbatim* FIR i.e. FIR No. 539 dated 13.7.2016 under Sections 420, 406, 506, 120-B IPC, Police Station Camp Palwal, the petitioner is entitled to grant of bail in the instant case also but this Court finds that in order dated 19.8.2019, passed in favour of the petitioner in said FIR No. 539 dated 13.7.2016, the complainant in the said case (different complainant) had made a statement before the trial Court that the petitioner

had no role in the entire transaction and on account of which he was granted anticipatory bail. In the present case, however, the complainant is opposing the grant of bail, tooth and nail, and is also represented by a counsel before this Court. As such, the petitioner cannot claim any benefit on account of the fact that he has been granted bail in FIR No. 539 dated 13.7.2016.

10. In view of the aforesaid discussion and having regard to the colossal amount involved in the present case, this Court is of the opinion that custodial interrogation of the petitioner would be required.
11. The petition, as such, is sans merit and is hereby dismissed.

25.7.2022

kamal

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No