

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-35451-2022
Date of Decision: 06.12.2022

RAVI

... Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Vikram Jeet Singh, Advocate for
Mr. Manoj Pundir, Advocate
for the petitioner.

Mr. Neeraj Poswal, Asst. A.G., Haryana.

JASJIT SINGH BEDI, J.

The prayer in the present petition under Section 438 Cr.P.C. is for the grant of anticipatory bail in case bearing FIR No.161 dated 22.03.2021 (Annexure P-1) registered under Sections 406, 420, 34 of the IPC at Police Station Kundli, District Sonapat, Haryana.

2. The present FIR came to be registered on the basis of a complaint made by the complainant Jaideep Tusir son of Ramesh Kumar resident of village Nagal Kalan, Tehsil and District Sonapat, wherein he sought action against Ram Chander Bohre son of Dasrath Bohre, Vishnu Bohre son of Dasrath Bohre, Dasrath Bohre, Mahesh Khare and Sukariti Khare wife of Mahesh Khare. The allegations were that Ram Chander Bohre was a priest in a temple. He used to visit the house of the complainant and would get financial and social assistance from the grandfather of the

complainant namely, Mange Ram. The said Ram Chander Bohre allured him (complainant) and put him in fear of his bad future and death. In the year 2010-2011, his land was purchased by TDI and he obtained a significant amount of money from the proceeds of the sale. On 10.11.2011, he handed over a sum of Rs.5 lakhs in cash and four blank cheques bearing cheque Nos.389304 to 389307 of the HDFC Bank, Kundli to the said Ram Chander Bohre who got encashed Cheque No.389304 dated 21.12.2011 for an amount of Rs.5 lakhs and Cheque No.389305 dated 23.12.2021 for amount of Rs.2 lakhs in the bank account of one Mahesh Khare vide account No.86942200011128 with Syndicate Bank, Branch Jhansi. A further sum of Rs.11 lakhs was paid to Ram Chander Bohre by borrowing the same from Sardar Giani Singh Gill Foundation, Ludhinana, Punjab. The said amount was paid into the account of Sukariti Khare wife of Mahesh Khare in account No.86942010020266 through RTGS. Out of the two remaining blank cheques, Ram Chander Bohre encashed cheque No.389306 dated 26.12.2011 for an amount of Rs.4 lakhs and Cheque No.389307 dated 06.01.2012 for an amount of Rs.32 lakhs in the HDFC Branch, Jhansi in his account. On being asked as to why he had withdrawn the amount, Ram Chander Bohre disclosed that Mahesh Khare and Sukariti Khare were residents of Jhansi and as such for their convenience he had withdrawn the amount. Thereafter, he (complainant) gave a sum of Rs.2 lakhs to Ram Chander Bohre. He also handed over three blank cheques bearing No.389312 to 389314 as Ram Chander Bohre told him that he would purchase land for the complainant. Ram Chander Bohre got encashed Cheque No.389312 for an amount of Rs.6

lakhs in his bank account bearing No.1049000100106239 with Punjab National Bank on 06.03.2012, Cheque No.389313 for an amount of Rs.9,50,000/- in HDFC Bank, Jhansi, Uttar Pradesh on 17.05.2012 and Cheque No.389314 for an amount of Rs.9,50,000/- in HDFC Dungarpur, Rajasthan on 19.05.2012. A further sum of Rs.1,50,000/- was also paid through RTGS in favour of the accused Ram Chander Bohre in his bank account with Punjab National Bank. In this way, Ram Chander Bohre had received a total amount of Rs.87,50,000/- from him. Ram Chander Bohre did not purchase any land for him but on the other hand got him to further transfer Rs.50,000/- in the bank account of one Rajender Bohre with Punjab National Bank on 17.01.2013. Thereafter, a sum of Rs.8 lakhs was also paid to him. In 2014, the entire expenses of Ram Chander Bohre at Dubai were incurred by him (complainant). Thereafter, a further sum of Rs.6 lakhs was paid in the account of Vishnu Bohre and Dasrath Bohre through his friend namely Hardik Javeri in the year 2014. In January, 2015, he (complainant) came to know that Ram Chander Bohre had opened an agency of Escort Tractors in the name of M/s Bohre Tractors at Nadi Goan Road, Konch, District Jalon and had purchased one Tata Safari, Tata Indica and Mahindra Bolero, one new tractor and had also constructed a new house from the amount received from him (complainant). In October, 2016 once again an amount of Rs.15 lakhs was paid to Ram Chander Bohre and his brother Vishnu Bohre. Ram Chander Bohre assured him to get the sale deed of land registered in his name. In December, 2018 and January, 2019 Ram Chander Bohre came to Africa and at that time, he was accompanied by one another

person and he (complainant) incurred their entire expenses in Africa. Despite repeated efforts being made, Ram Chander Bohre refused to get the land registered in his name or to return his money and thus had cheated him of a sum of Rs.1,17,00,000/-.

Investigation began and the various documents such as cheques, PAN Cards etc. were collected. Account statements of accused Mahesh Khare and Sukariti Khare were examined. Record pertaining to Bohre tractors was obtained. The account statements of the bank accounts of Ram Chander son of Dasrath Bohre and Vishnu Bohre son of Dasrath Bohre were obtained. Bank statements of the complainant were also obtained along with the cheques issued by him.

Mahesh Khare and Sukariti Khare were joined in the investigation but no incriminating evidence was found against them.

Ram Chander Bohre and Vishnu Bohre alias Brijender Bohre were arrested. They suffered their respective disclosure statements and admitted their guilt. Ram Chander Bohre also disclosed as to how he collected the money from the complainant and what use it had been put to. He disclosed that one vehicle make Bolero bearing Registration No.MP-41CN-4820 was purchased by him in the name of his father Dasrath Bohre which was now with the brother-in-law of his brother namely Ravi son of Mani Ram (petitioner) resident of Madhya Pradesh.

Ram Chander Bohre and Vishnu Bohre alias Brijender Bohre got recovered cash amounts and jewellery. A Bolero vehicle given in dowry to his sister was also got recovered by one Satya Parkash son of Devdutt Dube.

Dasrath Bohre was granted the concession of anticipatory bail by this Court vide order dated 18.06.2021 passed in CRM-M-23447-2021. He disclosed that vehicle No.MP-41CN-4820 was purchased from the money procured from the complainant which was sold by his son Mukesh Bohre alias Shashikant and Ravi (petitioner) son of Moti Ram who was the brother-in-law of his other son namely, Vishnu Bohre @ Brijender Bohre for a sum of Rs.3 lakhs to some unknown person which his son Mukesh Bohre alias Shashikant or Ravi could disclose.

Mukesh Bohre alias Shashikant was arrested and on interrogation admitted his guilt and disclosed that he along with his father Dasrath Bohre and brother-in-law (Sala) of his brother Vishnu Bohre alias Brijender Bohre namely, Ravi (petitioner) had planned to sell the vehicle and thereafter he had handed over the vehicle to the petitioner-Ravi who had sold the said vehicle to some person for a sum of Rs.3 lakhs. Ravi had handed over Rs.1,50,000/- to him and the remaining amount of Rs.1,50,000/- was kept by the petitioner and only he could disclose about the said vehicle and get the remaining amount recovered. Mukesh Bohre alias Shashikant also got recovered Rs.15,000/- out of the amount of Rs.1,50,000/- given to him by the petitioner accused Ravi after sale of the vehicle make Bolero bearing No.MP-41CN-4820.

3. On filing his anticipatory bail petition, the petitioner was granted the concession of anticipatory bail by his Court vide order dated 10.08.2022 passed in CRM-M-35451-2022 and he was asked to join investigation. He did join investigation but neither got recovered the amount of Rs.1,50,000/-

nor disclosed the whereabouts of the vehicle which he had allegedly sold. On 23.11.2022, the learned counsel for the petitioner submitted that the petitioner would get the vehicle recovered by the next date of hearing and the petition has come up for hearing today i.e. 01.12.2022. However, he has not disclosed the whereabouts of the vehicle and has been completely evasive.

4. The learned counsel for the petitioner contends that the name of the petitioner does not figure in the FIR. His name came up during the course of investigation and he has been involved after more than one and half years being a relative (brother-in-law) of co-accused Vishnu Bohre alias Brijender who is the real brother of the main accused Ram Chander Bohre. He contends that the entire dispute is civil in nature and no offence under the Indian Penal Code is made out. There were financial transactions between Ram Chander Bohre and the complainant and a false case has been registered after about 10 years of the first transaction which was of the year 2011. Even otherwise, Dashrath Bohre was granted the concession of interim anticipatory bail which was subsequently confirmed by this Court vide order dated 26.10.2021 passed in CRM-M-23447-2021. Therefore, no case for custodial interrogation was made out and the petitioner ought to be granted the concession of bail.

5. On the other hand, the learned State counsel while referring to the reply dated 18.11.2022 which is already on record submits that Dasrath Bohre had been granted the concession of anticipatory bail as he had joined investigation and cooperated in the same. He disclosed all the facts relating to the present case including the fact that the Bolero bearing No.MP-41CN-

4820 was purchased from the money procured from the complainant which was sold by his son Mukesh Bohre alias Shashikant and Ravi (petitioner) who was the brother-in-law of his other son Vishnu Bohre @ Brijender for a sum of Rs.3 lakhs. It was on account of the cooperation of Dasrath Bohre with the investigation that his interim bail had been confirmed.

Quite to the contrary as per the investigation, the petitioner sold the vehicle and received a sum of Rs.3 lakhs, gave a sum of Rs.1,50,000/- to his co-accused and has now chosen not to disclose the whereabouts of the vehicle or get the money recovered. He contends that the petitioner is being evasive and feigning ignorance to the specific queries put to him. Further, despite an undertaking given to the Court that he would get the vehicle recovered, the same has not been done. He thus, contends that the petitioner does not deserves the concession of anticipatory bail.

6. I have heard the learned counsel for the parties at length.

7. As per the investigation, a sum of money obtained from the complainant was used in the purchase of a vehicle Bolero bearing No.MP-41CN-4820. The said vehicle was sold by Mukesh Bohre @ Shashikant son of Dasrath Bohre and Ravi (petitioner) brother-in-law of Vishnu Bohre @ Brijender son of Dasrath for a sum of Rs.3 lakhs. Despite giving an undertaking in the Court that he would disclose the whereabouts of the vehicle and get the same recovered, the petitioner has not done so. The State reply would reveal that the petitioner is being evasive and is feigning ignorance with respect to the specific queries put to him. Thus, the conduct of the petitioner as also the allegations against him do not entitle him to the

grant of anticipatory bail, moreso, when the investigation has to be taken to a logical conclusion and the petitioner is stonewalling the same.

8. In view of the aforementioned discussion, I find no merit in the present petition and the same is therefore dismissed.

(JASJIT SINGH BEDI)
JUDGE

06.12.2022

JITESH

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No