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

(1) **CRM-M-39295-2022** (O&M)

Parvinder Singh ...Petitioner

Versus

State of Haryana ...Respondent

(2) **CRM-M-39386-2022** (O&M)

Navneet Arora ...Petitioner

Versus

State of Haryana ...Respondent

Date of Decision:- 21.9.2022

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Manish Gupta and Ms. Amrita Nagpal, Advocates
for the petitioner(s).

Mr. Rajiv Sidhu, DAG, Haryana,
assisted by SI Vinod and ASI Ramesh Khatkar.

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GURVINDER SINGH GILL, J.

1. This order shall dispose off the above mentioned two petitions filed on behalf of Parvinder Singh and Navneet Arora seeking grant of anticipatory bail in a case registered against them vide FIR No. 256 dated 21.12.2021 under Sections 406, 409, 420, 468, 471/ 120-B IPC at Police Station Shahzadpur, District Ambala.

2. The FIR in question was lodged at the instance of Ashok Verma, General Manager, Ambala Central Co-operative Bank Ltd., Ambala, wherein it is alleged that the petitioners in connivance with the Directors and other officials of Naraingarh Sugar Mill Ltd., Naraingarh (in short hereinafter referred to as 'NSML') had misappropriated huge amount of money. It is alleged that Haryana State Cooperative Bank (HARCO Bank)/District Cooperative Central Bank (DCCB) had advanced loan to NSML for clearance of dues to be paid to farmers on account of supply of sugarcane. The amounts advanced were as follows :-

(i) Loan Agreement dated 13.11.2015
Financial Year 2014-15 - ₹ 34.10 crores
Financial Year 2015-16 - ₹ 11.11 crores

(ii) Loan Agreement dated 19.9.2019
Financial Year 2018-19 - ₹ 60 crores

3. It is alleged that the outstanding dues were ₹98.65 crores, apart from an interest of ₹25.16 crores. Upon an audit of accounts conducted pursuant to directions of Haryana Government, it was revealed that infact it was an amount of ₹121.21 crores, which had been siphoned off by the Controlling Management.

4. It is the case of prosecution that during the Financial Year 2014-15, Management had withdrawn cash of ₹77.50 crores but disbursed only ₹63.37 crores to farmers and similarly in Financial Year 2015-16, cash withdrawn by the Management was ₹50.87 crores but only ₹ 42.02 crores was disbursed to Farmers. An amount of ₹81 crores was pending to be recovered from various companies which was given as advances. It is also

alleged in the FIR that when all the accounts of company (NSML) were audited then books, stocks, entries in the registers and transactions were not found in consonance. It has been revealed that an amount of ₹5.67 crores has been found transferred from the account of NSML to the account of M/s Raghupati Overseas Pvt. Ltd. and an amount of ₹ 1 crore has been found transferred from the account of NSML to the account of M/s Raghupati Commodities Pvt. Ltd.

5. The learned counsel representing the petitioners has submitted that the petitioners are being made scapegoat and that the very fact that they had no authority or control over NSML would point out that it is those at the helm of affairs of NSML, who would be responsible and not the petitioners.

6. It has been submitted that the accounts of NSML were audited on annual basis and no irregularity was noticed whatsoever. It has further been submitted that prosecution itself in FIR admits the fact that ₹ 63.37 crores in Financial Year 2014-2015 and ₹50.87 crores in Financial Year 2015-16 was disbursed to farmers by NSML whereas the loan amount was only ₹45 crores in that duration. Learned counsel has submitted that it is co-accused Rahul Anand, who could be said to be the real accused, who was owner of Naraingarh Sugar Mill Ltd., Naraingarh and that in any case the case of the petitioners would be at par with the co-accused Arun Kumar Garg, who has been granted regular bail by this Court vide order dated 26.7.2022 (Annexure P-8).

7. The learned State counsel has vehemently opposed the petitions and has submitted that the petitioners cannot claim any parity on account of the fact

that co-accused Arun Kumar Garg has been granted bail by this Court inasmuch as apart from the fact that he had been granted regular bail whereas the petitioners seek anticipatory bail, the role of said Arun Kumar Garg is distinguishable from that of petitioners. The learned State counsel has pointed out that for the purpose of siphoning off colossal amounts, the petitioners used the accounts of their following two firms in which they are Directors :-

(i) M/s Raghupati Overseas Pvt. Ltd.
(ii) M/s Raghupati Commodities Pvt. Ltd.

8. The learned State counsel has informed that during the course of investigation, on 30.03.2022, the Investigating Officer collected the bank account statement of account number 10180005429679 of M/s Raghupati Overseas Pvt. Ltd. and bank account statement of account number 10180005444270 of M/s Raghupati Commodities Pvt. Ltd. of Bandan Bank whose Directors were both the petitioners. It has been pointed out that the Investigation Officer also collected the ledger of NSML in respect of accounts of M/s Raghupati Overseas Pvt. Ltd. and M/s Raghupati Commodities Pvt. Ltd.

9. The learned State counsel, while referring to the reply, has submitted that it was further revealed that aforesaid amount has been further transferred in the Indusind bank account No. 201002822304 of M/s Ganpati Sales, New Delhi whose proprietor is Navneet Arora and the said amount has been transferred in the account of many firms which shows that the amount of NSML has been illegally siphoned off by the petitioners Parvinder Singh and Navneet Arora in connivance with the co-accused Rahul Anand and thereby caused

huge loss to NSML by cheating. It has been submitted that the evidence collected reveals that Raghupati Overseas Pvt. Ltd. has supplied Baggass (Parali) for power plant amounting to ₹41,47,402/- to the NSML and as per record, amount of ₹5,25,52,598/- is lying pending towards Raghupati Overseas Pvt. Ltd. and an amount of ₹1 crore also pending towards M/s Raghupati Commodities Pvt. Ltd.

10. The learned State counsel has, thus, submitted that it is a case where custodial interrogation of the petitioners would be required to unearth the finer details of the entire scam, which is a multi-crore scam.

11. This Court has considered rival submissions addressed before this Court.

12. It is a case where the Investigating Officer has been able to connect the petitioners with the alleged fraud of ₹123.81 crores inasmuch as the evidence has been collected to establish that an amount of ₹5.67 crores and another amount of ₹1 crore was transferred from the account of NSML to the accounts of M/s Raghupati Commodities Pvt. Ltd. and M/s Raghupati Overseas Pvt. Ltd. of which both the petitioners are Directors. Still further, the investigating agency has been able to collect particulars of 27 banks accounts in the names of various firms in which the petitioners are the accounts holder, the details of which are hereinunder :-

Sr. No.	Bank Name	Account Nos.	Account Name	Account Holder
1.	RBL	759002344086	GANPATI SALES	Paminder/Navneet
2.	RBL	408929083948	GANPATI SALES	Parminder/Navneet
3.	RBL	759003027612	GANPATI Sales	Parminder/Navneet
4.	RBL	409001641562	GANPATI SALES	Parminder/Navneet
5.	RBL	759002783519	GLOBAL TRADERS	Parvinder /Nitin
6.	RBL	409001547895	GLOBAL TRADERS	Parvinder /Nitin
7.	RBL	409001567060	N P BOOKS	Parvinder /Nitin
8.	RBL	759002830893	N P BOOKS	Parvinder /Nitin

9.	RBL	759002808960	R L BOOKS	Parvinder /Nitin
10.	RBL	409001547475	R L BOOKS	Parvinder /Nitin
11.	RBL	409001533072	Raghupati Commodites Pvt.Ltd.	Parvinder/Navneet
12.	RBL	409001537452	Raghupati Overseas Pvt. Ltd.	Parvinder /Navneet
13.	RBL	409001498197	SHIV SHAKTI TRADING CO.	Parvinder /Navneet
14.	RBL	759002343829	SHREEJEE ENTERPRISES-	Parvinder /Nitin
15.	RBL	409319704860	SHREEJEE ENTERPRISES	Parvinder /Nitin
16.	Bandhan	201002822304	GANPATI SALES	Parvinder /Navneet
17.	Bandhan	10080005444270	Raghupati Commodites Pvt. Ltd	Parvinder /Navneet
18.	Bandhan	10080005429679	Raghupati Overseas Pvt. Ltd	Parvinder /Navneet
19.	AU Bank	2121210232518731	Ganpati Sales	Parvinder /Navneet
20.	IDFC	10076406179	RL Books	Parvinder /Nitin
21.	IDFC	10075282948	Ganpati Sales	Parvinder /Navneet
22.	ICICI	663505600873	Hashexch Enterprises	Parvinder /Nitin
23.	ICICI	663505600851	RL Books	Parvinder /Nitin
24.	ICICI	663505600828	Nakshatra Jewels	Parvinder /Nitin Gupta
25.	ICICI	663505600762	Shiv Sakti Trading Co.	Parvinder /Navneet
26.	ICICI	663505600739	Shreejee Enterprises	Parvinder /Nitin
27	Indusind	201002822304	Ganpati Sales	Navneet Arora

13. The aforestated position clearly indicates that the petitioners have played a pivotal role and have benefited to a substantial amount, out of the amount siphoned off from NSML. The bank accounts leave no manner of doubt as regards their complicity. In these circumstances, this Court does not find any special case for grant of anticipatory bail, rather it is a case where custodial interrogation is warranted.

14. Both the petitions are sans merit and are hereby dismissed.

15. A photocopy of this order be placed on the file of connected case.

21.9.2022 **(Gurvinder Singh Gill)**
kamal **Judge**

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