

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

219

CRM-M-42084-2022
Date of Decision: 12.12.2022

Sanjay Verma

.... Petitioner

Versus

State of Haryana

.... Respondent

CORAM: HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present: - Mr. Kunal Dawar, Advocate
for the petitioner.

Mr. Gaurav Bansal, Asstt. A.G., Haryana
for the respondent-State.

Mr. Anil Kumar Rana, Advocate
for the complainant.

ASHOK KUMAR VERMA, J. (ORAL)

The petitioner has filed the present petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in case FIR No.57 dated 27.01.2022 registered under Sections 420 of the Indian Penal Code, 1860 and Sections 4 and 76 of the Chit Funds Act, 1982 at Police Station NIT Faridabad, District Faridabad.

Reply dated 23.11.2022 by way of an affidavit of Sh.Vishnu Parshad, HPS, Assistant Commissioner of Police, NIT, Faridabd and custody certificate dated 11.12.2022 have been filed by learned State Counsel in the Court today which is taken on record.

Learned counsel for the complainant has filed his power of attorney in the Court today which is also taken on record.

The above-said FIR was registered on a complaint made by

complainant-Jagjeet Singh Phogat alleging that he retired in the year 2017 from Irrigation Department, Haryana and was having enough funds. In the month of December 2012, his neighbour S.K. Papneja introduced him to the petitioner and thereafter, the petitioner developed family relations with the complainant. In the month of March 2013, the petitioner came to meet him at his house and proposed him to invest money. Thereafter, the petitioner started borrowing money from him on different stages and had taken Rs.1,08,00,000/- during the period from March 2013 to November 2020. Besides the above loan, the petitioner had taken additional loan of Rs.10,00,000/- of which the petitioner had given a receipt to him and also issued a post dated cheque bearing No.059650 dated 11.02.2021 amounting to Rs.10,00,000/-. The said cheque was got dishonoured for which complaint under Section 138 of the Negotiable Instruments Act, 1881 has been filed against the accused.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case. The allegations that from March 2013 till November 2020, the petitioner had borrowed money on different stages to the tune of Rs.1,08,00,000/- from the complainant is not believable. No person would keep on advancing money to another for a period of 07 years without seeking recovery of the same. Both the parties had financial dealing with each other for last several years and used to jointly finance several persons on interest. On the account of dispute between them pertaining to interest amount, the petitioner had also filed civil suit for rendition of accounts before learned Civil Judge (Senior Division), Faridabad. The petitioner in custody since 25.05.2022.

The trial is likely to take long time. No useful purpose will be served by further detention of the petitioner in custody. Therefore, the petitioner may be released on regular bail.

Per contra, learned State counsel and learned counsel for the complainant have opposed the present petition and submit that the petitioner has cheated the complainant for cores of rupees. The petitioner is also involved in another case of similar nature. Therefore, the present petition may be dismissed.

I have heard learned counsel for the parties and gone through the paper-book.

As per reply filed by the State, the allegations against the petitioner are serious in nature. The petitioner is also involved in another case bearing FIR No.164 dated 05.06.2021 registered under Sections 120-B, 420, 406 and 506 of the IPC at Police Station NIT Faridabad, wherein the petitioner has cheated the complainant-Taranjeet Singh and also cheated many other persons and they were duped of more than Rs.11 crores. The petitioner is directly involved in the present case, who committed cheating and chit fund offence with the complainant for a huge amount of Rs.1,18,00,000/-. A receipt of receiving Rs.1,08,00,000/- was issued by the petitioner to the complainant, which was paid time to time by the complainant to the petitioner in cash not through bank account.

Keeping in view the facts and circumstances of the case, nature of accusation and evidence against the petitioner and the fact that the petitioner is also involved in another case of similar nature but

without commenting on the merits of the case, I am of the considered view that the petitioner does not deserve the concession of regular bail.

In view of the above, the present petition is dismissed.

12.12.2022
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(ASHOK KUMAR VERMA)
JUDGE

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