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

CRM-M-41885-2022 (O&M)
Date of Decision:- 14.9.2022

Parvinder Singh … Petitioner

Versus

State of Haryana ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Salil Bali, Advocate for the petitioner.

Mr. Arun Beniwal, DAG, Haryana.

*****

<u>GURVINDER SINGH GILL, J.</u>

1. The petitioner seeks grant of anticipatory bail in a case registered against him vide FIR No. 489 dated 24.12.2019 under Sections 420, 467, 468, 471, 120-B, 201 IPC at Police Station Hisar City, District Hisar.

2. The FIR was lodged at the instance of one Azad wherein it is alleged that co-accused Sunny who is his friend, informed him that Haryana Government issued advertisement to issue permit of private buses and since the complainant and co-accused were unemployed, they intended to get issued the permit to ply private bus. Co-accused Sunny talked to his friend Parvinder @ Pammi (petitioner/accused) who informed them that co-accused Amit Goyal who is a C.A. will prepare the file for issuance of permit and thereafter, they all met co- accused Amit Goyal and handed over to him the requisite documents like Aadhar Card, PAN Card, photographs, details of bank account, cheque book etc. and ₹5,000/- to prepare their file but he did not prepare the file and informed that the said scheme of

government has been closed. Complainant further alleged that co-accused Amit Goyal informed them that some other scheme has been started by the government which provides loan on a minimal rate of interest and to avail that facility, they had to make a firm and thereafter, co-accused Amit Goyal obtained his signature on some blank papers and prepared a firm in the name of Shri Shyam Overseas and opened a bank account in the name of said firm of complainant but despite that he did not provide any loan and he himself operated the said firm of complainant and effected various transaction and on his repeated request, co-accused Amit Goyal assured to close the firm of complainant but despite that he did not provide any NOC to the complainant that no tax is pending towards the said firm. The complainant alleged that all the accused in-connivance with each other, cheated him and used the said firm and effected transaction for crores of rupees.

3. The learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in the present case and that there is no evidence worth credence to connect him with the alleged fraud and that it is co-accused Amit Goyal who has executed the entire fraud wherein several innocent persons have also been involved but had infact been used by Amit Goyal.

4. Opposing the petition, the learned State counsel has submitted that the petitioner had actively participated in the commission of offences of cheating and that the petitioner in connivance with other accused had got several fake firms registered including firm by the name of M/s Joshi Enterprises and which had entered into transaction worth ₹21,46,67,258/-. It is submitted that the bank account of the said firm is linked with the phone

number of the petitioner i.e. 97289-10010. It has further been submitted by learned State counsel that the disclosure statement made by co-accused Amit Goyal and Sunny clearly shows the involvement of the petitioner.

5. The learned State counsel has informed that an amount of ₹9.90 lacs had been transferred form the firm of the petitioner to another firm of which petitioner's brother namely Sandeep is the Director. It has been submitted that the petitioner, in connivance with other co-accused, had got the following fake firms registered for the purpose of carrying out their dubious designs of causing loss to state exchequer :-

> "1. Krishna Traders, having GST No. 06BGTPK1967L1ZO.
> 2. Natraj Enterprises, having GST No. 06DZXPD2571Q1ZI.
> 3. Binder Traders, having GST No. 06EECPK5477M1ZZ.
> 4. Ganesh Enterprises, having GST No. 06DPFPK5641G1ZX.
> 5. Sun Sales Corporation, having GST No. 06JXFPS 1577D1Z6.
> 6. Agarwal Enterprises, having GST No. 06GVEPK8249C1ZH.
> 7. Joshi Enterprises, having GST No. 06BRBPMO0769D 1ZO.
> 8. SS Industries, having GST No. 06DAFPM4913J1ZM.
> 9. RK Traders, having GST No. 06BAAPN4419D 1Z4.
> 10. KL International, having GST No. 06CTQPA2575K1ZD."

6. It has also been submitted that the petitioner happens to the involved in one more case i.e. FIR No. 144 dated 17.3.2020, Police Station Hisar City, Hisar and that in these circumstances, the petitioner does not deserve the concession of anticipatory bail.

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

8. Having regard to the fact that there is concrete evidence to show that huge transactions had been effected in the bank account of the firm in the name of the petitioner i.e. M/s Joshi Enterprises and that his phone number had been

furnished at the time of opening said bank account, the complicity of the petitioner is clearly evident. Further, the transfer of lacs of rupees from the account of the said bogus firm i.e. M/s Joshi Enterprises to the firm of the petitioner's brother also points towards the petitioner's complicity. The petitioner had actively been participating for commission of the fraud in question in connivance with other co-accused and had facilitated in opening of various bogus firms, as indicated above. It has been informed by the State that a sale of ₹13,61,49,410.40/- is shown as against which the tax shown is ₹86,88,682.15/- against the firm of M/s Joshi Enterprises and that the total amount involved in respect of all the bogus firms runs into crores.

9. In view of the aforestated position, the custodial interrogation of the petitioner would certainly be required.

10. The petition is sans merit and is hereby dismissed.

14.9.2022 **(Gurvinder Singh Gill)**
kamal **Judge**

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No