

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

**CRM-M No.47729 of 2021 (O&M)
Decided on: 14.03.2022**

Ritikesh Rai

....Petitioner

Versus

State of Haryana

....Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. J.S. Thind, Advocate
for the petitioner.

Mr. Deepak Grewal, DAG, Haryana.

Mr. Karunesh Kaushal, Advocate
for the complainant.

ARVIND SINGH SANGWAN J.

Prayer in this petition is for grant of anticipatory bail to the petitioner in FIR No.344 dated 03.08.2020 registered under Sections 420, 406, 419, 120-B IPC at Police Station Rania, District Sirsa.

Brief facts of the case are that a complaint, lodged by the complainant Jai Singh son of Jaspal Singh, was received from the office of the Superintendent of Police, Sirsa in which it is alleged that the complainant along with his brother Tara Singh, is working under the name and style of Bal Agro in shop No.64-B, Mandi Jiwan Nagar. Gian Chand Singla son of Bichha Ram, resident of Ward No.10, Swati Rice House which is located in front of Jawala Ji temple, Red Road, near Kesri Transport Ladwa, Distt. Kurukshetra, phone No.9354144437 who is working as broker of rice, purchased two trucks of rice valuing Rs.34,45,937/- on 16.04.2020 and 18.04.2020 from him (complainant) and asked him to issue bill in the name of proprietor of Subha Laxmi

Traders Hanuman Dharam Kanta, Greater Kundi Industrial Area, Piyayu Maniari Narela Kundli, District Sonapat and send the same to the said firm. He then sent two trucks of rice and Gian Chand promised to pay the price of Rice within 05 days but he or his firm did not pay any amount to him. He then, telephonically contacted Gian Chand who had told him that delay has occurred in payment due to Lockdown and he assured that payment will be made soon. After some time, he again telephonically contacted Gian Chand but he again sought time. However, even after unlock of lockdown, Gian Chand or his firm did not make payment of the rice to him upon which he made enquiries and came to know that the aforesaid firm is the proprietorship of some Jai Singh son of Virender Parshad, resident of Varanasi. He then suspected and then made enquiries from the office of the aforesaid firm which is situated at Rohani and came to know that the said office was found in the name of Divesh Pandey son of Suresh Pandi, resident of Unit No.213, second building, S.C.Shopping Mall, Plot No.8, Community Centre, D.O.Chowk, Sector-9, Rohni. When he made a call on the aforesaid telephone number, the person who received the call told his name as Devesh Pandey and not Vijay Goyal. Efforts were also made to know in this regard from Gian Chand Singla but he could not know the whereabouts of Vijay Goyal whereas Gian Chand Singla had posed Devesh Pandey as Vijay Goyal and still now the payment of his rice has not been made to him. Thereafter, on the basis of the aforesaid complaint, the present FIR was registered.

Counsel for the petitioner has argued that the petitioner has no connection with the sale of the Rice by the complainant to Subha

Laxmi Traders as there is a dispute between the trader and the broker. It is also submitted that the petitioner was not named in the FIR and there is no entrustment to him.

Counsel for the petitioner has also argued that one of the co-accused namely Gian Chand @ Gyan Chand, was granted the concession of interim anticipatory bail on 07.09.2020 vide CRM-M No.26437 of 2020, in which it was noticed that the party or the goods are not traceable.

Reply by way of affidavit of the Deputy Superintendent of Police, Ellenabad, District Sirsa, is on record and as per the reply, in the investigation, it is found that the embezzlement and fraud is committed by the petitioner Ritikesh Rai, who posed himself to be as Devesh Pandey @ Vijay Goel in criminal conspiracy with the co-accused Gian Chand and the complainant is cheated for an amount of Rs.34,45,937/-. It is stated that during the investigation, Gian Chand was arrested and his disclosure statement was recorded in which he stated that he introduced the petitioner to the complainant as Vijay Goel, being manager/partner of Subha Laxmi Traders, having Headoffice at Rohini, New Delhi and a Branch Office at Kundli, District Sonapat, Haryana. Thereafter, a deal was effected between the petitioner and the complainant, for purchase of 02 trucks of Rice from the firm of the petitioner 'Bala Agro Sirsa' and he received a commission of Rs.24,000/- He disclosed that Vijay Goel and Devesh Pandey are the same person. The affidavit further states that during the investigation, it is found that Vijay Goel and Devesh Pandey and Ritikesh Rai, are the same person and the petitioner by faking his identity and by playing a fraud has received 02 trucks of Rice worth Rs.35.00 lacs and thereafter,

he has cheated him. It is further stated in the FIR that the petitioner is a cunning and fraudulent person, who is in the habit of cheating the businessmen and in this regard, one FIR No.149 dated 01.07.2020 has been registered under Sections 420, 120-B IPC at Police Station Kotwali Ganganagar, Rajasthan, in which by faking his identity, he has purchased the agricultural produce and not made the payment. It is also stated that the petitioner was arrested in another FIR No.287 dated 26.04.2021, registered under Sections 420, 409 IPC at Police Station Gomti Nagar, Lucknow, Uttar Pradesh, wherein similar allegations of cheating are made.

After hearing the counsel for the parties, considering the serious allegations against the petitioner, who is faking his identity and inducing the persons to sell their produce and by playing fraud, he has misappropriated the goods, I find no ground to grant the concession of anticipatory bail.

Dismissed.

(ARVIND SINGH SANGWAN)
JUDGE

14.03.2022
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Whether speaking/reasoned	Yes/No
Whether reportable:	Yes/No