

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-49452-2021
Date of Decision: 16.05.2022

Manoj Kumar

....Petitioner(s)

Versus

State of Haryana

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Manjeet Singh, Advocate, for the petitioner.

Mr. Ranvir Singh Arya, Additional Advocate General, Haryana.

Mr. Manoj Dhankhar, Advocate, for respondent No.2.

JASGURPREET SINGH PURI, J(Oral)

The present petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in FIR No.49 dated 28.01.2020, under Sections 406, 420 IPC and Section 3 of the Haryana Protection of Interest of Depositors in Financial Establishment Act, 2013, registered at Police Station Rewari, District Rewari.

Learned counsel for the petitioner has submitted that the petitioner is in custody from 18.08.2021 and no prosecution witness has been examined till date. He further submitted that the allegations against the petitioner and the co-accused were that they had taken money from large number of persons for investing the same in piggery and they were to return the money with 5% rate of interest on weekly basis. He further

submitted that in fact the petitioner himself had invested money in the company and, therefore, he was also victim of the company.

Mr. Ranvir Singh Arya, learned Additional Advocate General, Haryana has stated that it is a case where the petitioner alongwith other co-accused collectively conspired and have taken crores of rupees from various persons who are Ex. Servicemen on the ground that after every week amount of Rs. 5,000/- interest will be added and thereafter, as per the allegation the complainant has given about Rs. 12,50,000/-. The amount was also transferred by way of bank transfer and a number of more such persons had invested in the company and thereby, they have committed an offence not only under Section 420 IPC but also under Section 3 of the Haryana Protection of Interest of Depositors in Financial Establishment Act, 2013. He further submitted that the petitioner is involved in 7 more cases of similar nature and other FIRs are also not only in Haryana but also in Rajasthan. He further submitted that in the present case total amount involved was Rs. 1,39,00,000/-. He further submitted that the other co-accused are still absconding and they have rather gone abroad and that was the reason as to why the trial has been delayed. He further submitted that considering the magnitude and gravity of the offence, the petitioner does not deserve the concession of regular bail. He further submitted that there is an apprehension that in case the petitioner is released on bail, then he may also abscond and can also cause hindrance in arrest of the other co-accused and, therefore, the learned State counsel has vehemently opposed the grant of regular bail to the petitioner.

Mr. Manoj Dhankhar, Advocate has appeared on behalf of the

complainant and has submitted that the petitioner is involved in many more cases including 9 more FIRs only in one district Jhunjhunu in Rajasthan which is home district of the petitioner and has submitted that the modus operandi adopted by the petitioner and the other co-accused was that the petitioner who is an Ex-serviceman had represented and targeted the victims who are also Ex-servicemen and it was on the basis of the aforesaid faith that a large number of Ex-servicemen had deposited money in the company and after taking the entire money the other co-accused fled away from India and it was only the petitioner who was arrested.

I have heard the learned counsel for the parties.

The petitioner is in custody from 18.08.2021 but no prosecution witness has been examined in the present case. As per the allegations in the FIR and as per the submissions made by the learned counsel for the State, it is a case where large number of persons had deposited money with the petitioner and other co-accused and the co-accused have fled away from India and in case the petitioner is released on bail, then he may also abscond and hamper with the arrest of the other co-accused as well. The arguments raised by the learned Additional Advocate General, Haryana seems to be probable and cannot be ignored. The petitioner is also involved in number of other cases including 9 other similar FIRs in his home district Jhunjhunu in Rajasthan as per the learned counsel for the complainant. The gravity and magnitude of the present case would therefore disentitle the petitioner for the grant of regular bail.

In view of above, the present petition being devoid of any merit and is hereby dismissed.

However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is meant for the purpose of deciding the present petition only.

16.05.2022

rakesh

Whether speaking
Whether reportable

(JASGURPREET SINGH PURI)
JUDGE

: Yes/No
: Yes/No