

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

CRM-M No.53121 of 2022 (O&M)

Reserved on: 21.11.2022

Decided on: 22.11.2022

Aditya Rose

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. Puneet Jindal, Sr. Advocate
with Mr. Amandeep Singh Meho, Advocate
for the petitioner.

Mr. Himmat Singh, DAG, Haryana.

ARVIND SINGH SANGWAN, J.

Prayer in this petition is for grant of anticipatory bail to the petitioner in FIR No.0324 dated 17.08.2022 registered under Sections 406, 420, 506 IPC at Police Station Urban Estate, District Rohtak.

At the very outset, learned senior counsel for the petitioner has submitted that one of the co-accused of the petitioner namely Hardeep Singh has been granted the concession of anticipatory bail vide order dated 15.09.2022 passed in CRM-M No.42283 of 2022.

Learned senior counsel for the petitioner has contended that the FIR is registered at the instance of a complaint given by 12 persons alleging that the main accused Rahul Rose and the petitioner Aditya had committed the offence of cheating and misappropriation of the amount of Rs.8 crores. It is further stated that both the accused i.e. Rahul Rose and the petitioner Aditya Rose, have now sold their house

and fled away with the money taken from the complainants. It is also stated that the amount was received by the accused persons at different times for the purpose of investment in Stud Farmhouse, Dry Fruits business and a Dog Farmhouse. It was promised that they will pay 2% interest on the said amount. Later on, it was found that the co-accused Harjit, who was also mastermind started constructing a house from the money, which he earned by playing fraud with the victims and whenever, they approached the petitioner, his wife Jyoti and mother Darshana Devi, threatened them and accordingly, it was prayed that legal action be taken against Rahul Rose, Aditya Rose (petitioner herein) and Jatin.

Learned senior counsel for the petitioner has further argued that there is no evidence as to how Rs.8 crores were paid by the victims as no details of the payment is given in the FIR. It is also submitted that there is no agreement that the petitioner or other accused persons promised to pay 2% interest on the amount paid by them and even, no document in this regard is given to the Investigating Officer. It is further contended that the petitioner is, in fact, in the business of dry fruits by the name and style of 'Rose Associates'.

Learned senior counsel for the petitioner has also submitted that two complainants namely Deepak and Aatish had paid Rs.6.00 lacs out of which Rs.4.00 lacs has been returned.

Learned senior counsel for the petitioner has given some details of the amount, which was received from the complainant Deepak as well as the amount, which was received by the mother of the petitioner namely Darshana Devi. It is also submitted that some amount

has been returned to the mother of Deepak namely Bimla Devi. It is further stated that some amount has been returned to the other complainant namely Aatish as well and therefore, there is no liability of the petitioner.

With regard to the allegation that in the police investigation, it has come that on 31.10.2022, one of the complainant namely Anil has given Rs.5.00 lacs each in the account of the petitioner's wife namely Pooja as well as mother Rajbala, through bank transactions, same is not disputed, however, it is argued that it was received on account of loan taken by her and some amount has been returned later.

Learned senior counsel for the petitioner has further submitted that from the bare perusal of the FIR, the offence under Sections 406, 420 and 506 IPC are not made out. It is also submitted that the petitioner is ready to appear before the Investigating Officer and join the investigation.

Counsel for the State, on instructions from the Investigating Officer, Economic Cell, Rohtak, has however handed over a report giving details of the amounts given by the complainants. As per the details, the complainant Mohit has given an amount of Rs.1.17 crores to all the 04 accused including the present petitioner Aditya Rose, out of which some amount is duly described in the diary under the signatures of co-accused Rahul Rose and some amount was deposited in the account of the accused persons and even, Rahul Rose has executed a pronote, in lieu thereof. It is also stated that the father of the complainant Mohit, namely Karamvir Singh and brother-in-law

have also given some amount to the accused persons. With regard to the complainant Pardeep, it is stated that Rs.5.00 lacs were given in cash and in lieu thereof, a cheque was given, which was bounced. Similarly, another complainant Krishan has also given Rs.5.00 lacs in cash, for which the co-accused Rahul Rose, has put his signatures in the diary. Further, Bimla stated that she has given Rs.94.20 lacs to all the 04 accused persons and as a receipt thereof, in the diary, an amount of Rs.41.18 lacs is duly acknowledged by the accused. It is also stated that the victims Sonu has deposited Rs.1.10 lacs in the account of Rahul Rose and another amount of Rs.14.50 lacs was paid in presence of one Somvir in lieu of which a pronote was executed for Rs.46 lacs duly signed by the accused persons. The victim Aastish has stated that out of the amount of Rs.50 lacs, paid in cash, only Rs.1.50 lacs was returned and two pronotes were issued by the accused for Rs.20 lacs and Rs.15 lacs. The victim Anil stated that he has paid Rs.49 lacs from the account of his relatives Naresh to the account of the mother of the petitioner namely Darshana Devi and similarly, another amount of Rs.5.00 lacs was deposited in the account of the wife of the petitioner namely Pooja. The remaining amount has been paid in cash, for which an endorsement is made in the diary. The victim Ajit recorded a statement that he has paid Rs.60 lacs in cash, out of which some amount was deposited in the account. Similarly, Deepak stated that he has paid Rs.2.50 crores, out of which an amount of Rs.5.91 lacs was deposited in the account of the petitioner Aditya Rose and another amount of Rs.37,08,800/- in the account of the co-accused Rahul Rose and some amount was deposited in the account of Jatin and Rs.1,61,70,200/- was paid in cash to the

petitioner Aditya Rose and others from time to time. The victim Pardeep stated that he has given Rs.5.00 lacs in cash to the petitioner Aditya Rose and similarly, Deepak stated that he has paid Rs.35.00 lacs in cash, to the petitioner Aditya Rose and Rahul Rose.

The documents like receipts and pronotes issued by the accused in lieu of receiving the amount are also attached with this report, which are taken on record as “Mark A”.

Counsel for the State has further submitted that the modus operandi of all the accused persons was that since the time of inception of commission of offence, in conspiracy with other, they allured all the victims including many other persons/victims, whose complaints are also pending with the police, with fake assurance that the accused will pay higher rate of interest @ 2% per annum and in that process, they have cheated the innocent persons of their hard earned money. It is also stated that the intention of all the accused persons since the inception of committing the crime was clear to cheat the victims as by taking the amount in cash or in the account, just to gain the confidence of the victims, fake documents like pronotes/receipts and cheques, etc. were issued.

Counsel for the State has, lastly, argued that the petitioner has already sold his entire property i.e. house and land situated in Rohtak and after taking the money from number of persons/victims and even gave fake address in the present petition as he is not residing at the address given in the memo of parties.

After hearing the counsel for the parties, considering the facts and circumstances of the case and serious allegations against the

petitioner, regarding cheating number of innocent victims of their hard earned money in lieu of giving higher rate of interest and considering the seriousness of the same, this Court find no ground to grant anticipatory bail to the petitioner as the custodial interrogation is required.

Dismissed.

(ARVIND SINGH SANGWAN)
JUDGE

22.11.2022
yakub

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