

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

CRM-M-55868-2022 (O&M)
Date of Decision:- 19.12.2022

Anshuman Kalia

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Tanu Bedi, Advocate for the petitioner.

Mr. Luvinder Sofat, DAG, Punjab,
assisted by SI Surinder Singh.

GURVINDER SINGH GILL, J.

1. The petitioner seeks grant of anticipatory bail in a case registered vide FIR No. 205 dated 3.8.2022 under Sections 409, 420, 465, 467, 468, 471/120-B IPC at Police Station Division No. 8, Police Commissionerate Jalandhar, District Jalandhar.
2. The case of the prosecution is that one Madan Gopal, Umesh Kumar and Kush Chawla submitted a complaint before the Deputy Commissioner, Jalandhar alleging therein that Government funds issued under the '*Punjab Nirman Programme*' for constituency Jalandhar (North) to various societies including Shaheed Bhagat Singh Welfare Housing Society, Jalandhar had not been utilized for the desired purposes and rather the same had been misused by the office bearers of Shaheed Bhagat Singh Welfare Housing Society, Jalandhar for their personal use. It was further alleged therein that a grant of ₹10 lacs had been sanctioned in favour of Shaheed Bhagat Singh Welfare Housing Society, Jalandhar for the purpose of construction of

Community Hall on the recommendations of MLA Shri Avtar Henry Junior, but no such Hall had been constructed. The allegations are further to the effect that all the members of the Society belongs to the same family and were close to MLA Shri Avtar Henry Junior. An inquiry was conducted by Additional Deputy Commissioner (Urban Development), Jalandhar and on the basis of his report the FIR came to be lodged.

3. The learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in the present case and that he was not a member of the aforesaid society i.e. Shaheed Bhagat Singh Welfare Housing Society, Jalandhar and as such, cannot be held responsible in any manner in respect of the alleged embezzlement of funds. The learned counsel has further submitted that since co-accused namely Vinod Sharma has already been granted interim bail and who, as per his undertaking, has already deposited an amount of ₹12 lacs, the petitioner deserves concession of anticipatory bail, particularly when the case is mainly based on documentary evidence.
4. The State is opposing the petition and has filed its reply. The learned State counsel has submitted that in the present case an inquiry was conducted by a senior Officer of the rank of Additional Deputy Commissioner, Jalandhar who had found various such acts on part of the accused which clearly make the complicity of the petitioner evident. The learned State counsel has submitted that as per the Registration Certificate dated 30.10.2015 of the Shaheed Bhagat Singh Welfare Housing Society, Jalandhar, the following 13 persons were its members :-

- (i) Tilak Raj
- (ii) Rishi Dev
- (iii) Madan Gopal Narang

- (iv) Ramesh Chander
- (v) Rupinder Bir Singh
- (vi) Rajan Tandon
- (vii) Darshan Lal
- (viii) Sarvjit
- (ix) Pargat Singh
- (x) Kush Chawla
- (xi) Madan Lal
- (xii) Amit Sharma
- (xiii) Vineet Sharma

5. The learned State counsel has submitted that subsequently by way of dubious means, Vinod Sharma, who was not even a member of the Society was appointed as President and several other persons were inducted as members of the Society and who passed a resolution conferring various rights upon Councilor Shri Sushil Kalia @ Vicky Kalia including opening of a new bank account and although fresh bank account was opened in Citizen Urban Cooperative Bank, Jalandhar but particulars of the same were not furnished to the Registrar, Cooperative Societies. It has been submitted that various transactions conducted from the said bank account would indicate that huge amounts had been withdrawn by the petitioner Anshuman Kalia who is son of Councilor Sushil Kalia @ Vicky Kalia and which later came to be deposited after about 4-5 months of withdrawal when complaints were filed against him. The learned State counsel has further pointed out that such like fraud has been committed in six different societies wherein also amounts were transferred from the account of said Societies to the personal account of the petitioner Anshuman Kalia or was given him in cash while the father of the petitioner was playing a pivotal role in running of the said Societies and who had got opened fresh banks accounts of the Societies.

6. This Court has considered the rival submissions.
7. Though, this Court finds that the petitioner was not amongst the 13 members of the Society at the time of its registration vide Registration Certificate dated 30.10.2015, the petitioner's father i.e. Councilor Vicky Kalia @ Sushil Kalia was purportedly authorized to induct new members vide letter dated 18.5.2018 but learned State counsel has informed that there is no such letter in the records of the Registrar of Societies as per information supplied by the office of District Industries Centre, Jalandhar.
8. On the basis of the aforesaid non-existent letter, one Vinod Sharma co-accused was inducted as President while another seven were inducted as office bearers/members. Thereafter, the petitioner alongwith one Kesar was authorized to start construction work under their supervision and even the money for the said purpose was agreed to be transferred to petitioner vide letter dated 17.2.2022 (Annexure P-10). The said letter dated 17.12.2022 (Annexure P-10) is reproduced herein under :-

“Today a meeting of Shaheed Bhagat Singh Housing Welfare Society, Bhagat Singh Colony was held under the Chairmanship of President Sh. Vinod Sharma. Right to record proceedings of this meeting was given to Mr. Kesar. It has been decided in this meeting that since father of President Sh. Vinod Sharma is suffering with a serious disease, and in order to provide treatment to him, President is facing problem to pay attention towards the works of the Society. On account of this reason, a delay is taking place in the construction of Community Hall undertaken by the Society. In the light of the same, all the members of the Society unanimously decided that for construction of Community Hall, Mr. Anshuman and Mr. Kesar are authorized to start construction work under their supervision and for the said purpose, even some money be also transferred to Mr.

Anshuman, so that no difficulty is faced in the construction of Community Hall.”

9. The petitioner is none else but son of the aforesaid Councilor namely Shri Sushil Kalia @ Vicky Kalia in favour of whom authority is stated to have been conferred to induct new members, by way of some letter dated 18.5.2018 which infact is not shown to be existing. By assuming said authority, Councilor Sushil Kalia @ Vicky Kalia appointed Vinod Sharma as President who further authorised Vicky Kalia's son i.e. the petitioner to undertake construction work. Several transactions had been made transferring amount from the newly opened bank account of the Society to the account of Anshuman Kalia in respect of Society in question and six other Societies, in an identical manner. Though some amount is stated to have been deposited back after complaints came to be filed against Anshuman Kalia and his father but the same will not wash off the offences which had already been committed.
10. The aforesaid facts do not warrant extending the benefit of anticipatory bail to the petitioner.
11. The petition is sans merit and is hereby dismissed.

19.12.2022

kamal

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned
Whether Reportable

Yes / No
Yes / No