

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

**CRM-9151-2023 in/and
CRM-M-7783-2023 (O&M)
Date of decision-28.02.2023**

MukeshPetitioner

Vs.

State of Haryana ...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Sapan Dhir, Advocate for the applicant/petitioner.

Mr. Sukhdeep Parmar, DAG, Haryana.

MANOJ BAJAJ, J.

CRM-9151-2023

This application has been filed for pre-poning the date of hearing in the main petition to an early date, which is fixed for 13.03.2023.

Notice in the application.

At this stage, Mr. Sukhdeep Parmar, DAG, Haryana, Advocate accepts notice on behalf of the respondent-State and does not oppose the prayer.

Application is allowed and date of hearing is pre-poned to today.

CRM-M-7783-2023

Petitioner has prayed for grant of regular bail under Section 439 Cr.P.C, pending trial in case FIR No.358 dated 08.09.2018 registered under Sections 420, 406, 467, 468, 471, 120-B, 34 Indian Penal Code, 1860 and Sections 4, 5 and 6 Prize Chits and Money Circulation Schemes (Banning)

Act, 1978 and Section 3 (2) Haryana Protection of Interest of Depositors in Financial Establishment Act, 2013 at Police Station Sadar Fatehabad, District Fatehabad, who is in custody since his arrest on 14.04.2019.

The above FIR was registered on the basis of a complaint dated 28.07.2018 by complainant-Anil Sihag, wherein he alleged that thousands of fake companies are doing their business in India and one such company, namely, Future Maker Life Care Private Limited, Head Office at D.S.S. 45, Red Square Market, Hisar (Haryana) has engaged agents for sale of their products, who by alluring innocent people used to collect cash in crores from them and this activity also causes tax loss to the government. The company is engaged in illegal business and has not set up any industry, muchless to manufacture any product. The company is tied up with other companies and without purchasing any material is showing only paper transactions. The company everyday receives an amount of Rs.10 crores in cash from its agents, and against it no receipt/bill is issued. In this way, all over India company used to collect approximately an amount of Rs.40 crores, and only used to issue bill relating to its products @ Rs.7500/- per person after a period of 15 days from the date of the receipt of the cash from its agents by generating Ids. The company used to give hefty refunds to its agents every month through bank accounts, and the complainant had deposited a sum of Rs.2,52,000/- cash with company, whereupon after 15 days, upon receiving IDs of other persons from complainant, it had issued different bills pertaining to its products with a promise to return an amount of Rs.5 lakhs, in a period of 24 months from the date of deposit. The complainant alleged that the company is not paying any income tax, who requested for an inquiry and on these broad allegations, the above FIR was registered.

Learned counsel for the petitioner has argued that the similarly situated co-accused have been released on bail by this Court vide order dated 09.01.2023 (Annexure P-2) and the case of the petitioner is at par with them. Learned counsel has pointed out that though the charges were framed on 29.11.2022, but only twenty five prosecution witnesses have been examined so far out of total 672 witnesses. He prays for regular bail.

Learned State counsel assisted by ASI Sajjan Kumar does not dispute the above stand of the petitioner that the case of the petitioner is at par with other co-accused, who are on bail.

After hearing the learned counsel for the parties and considering the custodial period of the petitioner as well as the fact that the similarly situated co-accused have already been released on bail, this Court does not find any reason for further detention of the petitioner behind the bars.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court concerned.

The petition is allowed.

28.02.2023
geeta

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No