

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No. 205

CRM-M-12278-2022

Date of decision : 25.01.2023

Anand Rathee and another

..... Petitioners

VERSUS

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr.Ranvijay Singh, Advocate, for the petitioners.

Mr.Rajiv Sidhu, DAG, Haryana.

DEEPAK SIBAL, J. (ORAL)

Through the present petition filed under Section 438 Cr.P.C. the petitioners seek anticipatory bail in FIR No.54 dated 04.02.2022 registered under Sections 406, 420, 506 and 120-B IPC (Section 405 IPC and Sections 3, 4 and 5 of the Prize Chits and Money Circulation Scheme (Banning) Act, 1978 and Sections 3(d), 3(f) 3(i) and 10 of the Consumer Affairs, Food & Public Distribution Notification Act added later on) at Police Station Sector-17 HUDA, Jagadhri, District Yamuna Nagar

On 25.03.2022 this Court had passed the following order: -

“The present petition has been filed under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail to the petitioner in FIR No.54, dated 04.02.2022 under Sections 406, 420, 506 and 120-B IPC, (Section 405 IPC and Section 3, 4 and 5 of The Prize Chits and Money Circulation Scheme (Banning) Act, 1978 and Sections 3(d), 3(f) and 3(i) and 10 of the Consumer Affairs, Food and Public Distribution Notification Act added later on) registered at Police Station Sector-17, HUDA Jagadhri, District Yamuna Nagar.

Learned counsel for the petitioner has submitted that in the present case, the entire story put forward by the prosecution is totally false. He submitted that the allegations against the petitioner were that the petitioner and some other persons being partners had formed a company under the name of Headway Run Pvt. Company Ltd. and offered jobs to the complainants. But in fact, this company has been doing its work in the shape of a pyramid scheme and direct selling unemployed youth which show big dreams and in this regard, the company has made a website under the name of Bro-Pro.in.net and it was only appointing distributors and therefore it is a matter of record that not only the present complainant but some other persons had also been offered jobs. Learned counsel has further referred to Annexure P-26, which is a letter, written by the complaint himself in which he has described himself as a distributor. Learned counsel has submitted that it was not the offer for any

employment but it was a part of the business by appointing distributors who would earn money by selling various products and in fact, it can be seen that large amount of products have been purchased by the distributor in this regard and therefore, no offence is not made out.

Notice of motion.

Mr. N.S. Panwar, learned DAG, Haryana appears on behalf of the State of Haryana and accepts notice. He submitted that it was found that the aforementioned company has been running away by closing its office from time to time by giving allurements to several unemployed youths by opening its office at Bhiwani, Karnal etc. and in this regard, a video is also available on the social media.

Adjourned to 05.09.2022.

Meanwhile, in the event of arrest, the petitioner shall be released on interim bail subject to furnishing of adequate bail/surety bonds to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called for. The petitioner shall also abide by all the conditions as envisaged under Section 438 (2) of Cr.P.C.”

Learned State counsel submits that in pursuance to the afore quoted order the petitioners have joined and cooperated with the investigation and that the State no longer requires the petitioners for investigation purposes.

In the light of the submissions made on behalf of the petitioners as have been recorded in the afore quoted order as also the statement made on behalf of the State, the order of this Court dated 25.03.2022, granting ad interim anticipatory bail to the petitioners is ordered to be made absolute.

25.01.2023
shamsher

[DEEPAK SIBAL]
JUDGE

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