

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

1. CRM-M-18753-2023

Saroj Narang

. . . Petitioner

Vs.

State of Haryana

. . . . Respondent

2. CRM-M-20321-2023

Harvinder Singh

. . . . Petitioner

Vs.

State of Haryana

. . . . Respondent

**Reserved on: 03.08.2023
Pronounced on: 16.08.2023**

CORAM: HON'BLE MR JUSTICE DEEPAK GUPTA

Present: - Mr.Sukesh Kumar Jindal, Advocate, with
Mrs. Priya Sharma, Advocate,
for the petitioner (in CRM-M-18753-2023)

Mr. Sajal Bansal, Advocate with
Mr. Saransh Sabharwal, Advocate,
for the petitioner (in CRM-M-20321-2023)

Mr. Parveen Kumar Aggarwal, DAG, Haryana

Mr. Arnav Kumar, Advocate, for the complainant.

DEEPAK GUPTA, J.

This order shall dispose of two petitions titled above, as in both of them, petitioners seek regular bail under Section 439 Cr.P.C. in a case arising out of FIR No.633 dated 02.12.2019 registered at Police Station Ambala Cantt., District Ambala under Sections 406, 420 & 120-B IPC.

2. FIR was lodged on the complaint of Smt. Suman Chopra, as per which two petitioners Saroj Narang (in CRM-M-18753-2023) and Harvinder Singh (in CRM-M-20321-2023) along with co-accused namely Amit Kumar Luthra, Virender Verma and Pradeep Kumar dishonestly induced the complainant and other similarly situated persons and made them part with huge amount in their favour, which was deposited in M/s Truck Money Transport Solution and M/s Dhamaka Consultancy, on the assurance that the money invested in the company shall be doubled/tripled. It was alleged that that under the dishonest inducement, complainant had deposited an amount of ₹21 lakh in the company, out of which she has been paid an amount of ₹5.73 lakh approximately. She had been given various ID numbers so as to view the investment on the websites of the two companies.

3. During investigation, various persons, who had been cheated in similar manner, came forward and got recorded their statements.

4. It is contended on behalf of the petitioner Saroj Narang that she is neither the signatory nor the owner, proprietor, partner or director of the alleged companies nor associated with the Management of any of the companies; and that she too is an investor like the complainant. Rather complainant was the promoter of the company. Petitioner further submits that whatever amount was deposited by the complainant and others, it was in the bank account of the M/s Truck Money Transport Solution and that no amount was received or withdrawn by her. She is not the holder of any account nor has any link or access to operate any account. It is further submitted that the company M/s Truck Money Transport Solution was being run by co-accused Harvinder Singh and Amit Kumar Luthra, in

which she (petitioner) and her family members also invested money. Petitioner invested ₹2,32,000/- in M/s Truck Money Transport Solution and in return as investment, she received ₹2,73,758/- as per the details given in para-No.11 of the petition (CRM-M-18753-2023) during February 2019 to November 2019. Petitioner also submits that assurances to return the money were given by Amit Kumar Luthra and Harvinder Singh, who had also issued cheques to the investors.

5. Ld. Counsel for the petitioner (Saroj Narang) has drawn attention towards Annexure P9, one of the complaints filed by Davinder Kaur, in which though the petitioner Saroj Narang is arrayed as an accused, but after recording the preliminary evidence, she was not summoned to face prosecution under Section 138 of the Negotiable Instruments Act, 1881 [for short 'the NI Act'] as no liability towards her was found. Ld. Counsel further submits that petitioner is in custody for the last more than 6 months; that after investigation Challan has already been filed; and out of 61 witnesses cited by the prosecution, none has been examined till date, indicating that trial is likely to take long time to conclude. Besides, case is triable by Magistrate and so, in view of all these circumstances, petitioner be released on regular bail.

6. On behalf of the petitioner Harvinder Singh, it is contended that though he is named in the FIR, but he is neither the beneficiary nor the partner of the accused; that no money was ever paid to him; that he is in custody since 05.02.2023 and trial is yet to commence; that one of the co-accused Suhail Narang has already been granted concession of bail and so, in all these circumstances, he be allowed regular bail.

7. Strongly opposing the bail petitions, Id. State counsel assisted by Id. Counsel for the complainant drawn attention towards the police report, as per which, it was found during investigation that an amount of approximately ₹1,84,00,000/- was transferred in the account of M/s Truck Money Transport Solution and M/s Dhamaka Consultancy and that as many as 17 witnesses got recorded their statements to the effect that they were cheated by the two petitioners and the co-accused. Though it is candidly admitted in the police report that petitioner Saroj Narang has not been found to be associated with the management of either M/s Truck Money Transport Solution or with M/s Dhamaka Consultancy, but it is contended that investors deposited the amount in these companies on the basis of false assurances given by the petitioners and other co-accused. Investigation also revealed that it is co-accused Harvinder Singh (petitioner in CRM-M-20321-2023), who is the proprietor of M/s Truck Money Transport Solution; whereas co-accused Amit Kumar Luthra is the owner of M/s Dhamaka Consultancy, in whose account amount of the investors have been transferred. It was further found that Saroj Narang has no concern with these companies, as she was neither the owner / proprietor nor any officer of the above companies. It is also disclosed in the police report that Challan has already been filed, but out of 61 witnesses cited by the prosecution, none has been examined till date.

8. I have heard submissions of both the sides and have perused the record.

9. As far as petitioner Saroj Narang is concerned, no doubt that she along with other accused, as per the prosecution allegations, induced the complainant and others to invest money, but she herself had invested an

amount of ₹2,32,000/- as per Annexure P7 in M/s Truck Money Transport Solution. As the investigation revealed, an amount of ₹1,84,00,000/- was found to have been deposited in the two companies i.e., M/s Truck Money Transport Solution and M/s Dhamaka Consultancy, but one of the companies is owned by Harvinder Singh and the other by Amit Kumar Luthra. As per police investigation, petitioner Saroj Narang is neither the owner nor proprietor nor any Director or officer of any of the two companies. Thus, it appears *prima facie* that she is also one of the victims along with the complainant and other investors. Petitioner (Saroj Narang) is in custody for the last 6 months and 9 days as per the custody certificate dated 03.08.2023. The case is triable by Magistrate. The Trial may take time to conclude and so having regard to all these facts and circumstances, but without commenting anything further on merits of the case, CRM-M-18753-2023 is allowed. Petitioner Saroj Narang is directed to be released on regular bail on her furnishing requisite bail bonds and surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

10. As far as petitioner Harvinder Singh is concerned, he is one of the principal accused being the proprietor of M/s Truck Money Transport Solution. It is in the account of this company and that of M/s Dhamaka Consultancy, owned by accused Amit Kumar Luthra that invested amount of ₹1,84,00,000/- of the complainant and other investors are deposited. No recovery has been effected from him except an amount of ₹15,000/- as per the police report. Charges against him are quite serious, inasmuch as he even destroyed the laptop and documents related to the case as found during investigation, due of which Section 201 IPC was to be added.

11. Having regard to the above facts and circumstances, but without commenting anything further on merits of the case, petitioner Harvinder is held to be not entitled for grant of regular bail. Hence, the regular bail petition (CRM-M-20321-2023) filed by the petitioner Harvinder Singh is hereby dismissed.

A photocopy of this order be placed on the files of other connected case.

(DEEPAK GUPTA)
JUDGE

16.08.2023

Vivek

1. Whether speaking/reasoned?

Yes/No
2. Whether reportable?

Yes/No