2023: PHHC: 160614

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRM-M-32321-2023 (O&M)
Reserved on:12.12.2023
Pronounced on: 14.12.2023

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Rituraj Yadav

. . . . Petitioner

Vs.

State of Haryana

. . . . Respondent

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CORAM: HON'BLE MR JUSTICE DEEPAK GUPTA

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Present: - Mr. Ramnish Puri, Advocate, for the petitioner.

Mr. Sumit Jain, Adll. A.G., Haryana.

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DEEPAK GUPTA, J.

By way of this petition filed under Section 439 CrPC, petitioner, a woman aged 30 years, seeks her release on regular bail in case FIR No.12 dated 10.01.2022 registered at Police Station Manesar, Gurugram, under Sections 120-B, 406, 420, 467, 468 and 471 IPC.

2. (i) FIR has been lodged on the complaint of Vishali Jain, Director of Rishab Farms and Industries Pvt. Ltd. and Aurum Projects Pvt. Ltd., Gurugram, which companies are engaged in the business of constructions/real estate. Allegations are that co-accused Parveen Yadav was introduced to the complainant in May 2021 as an IPS officer, posted at NSG Manesar, by one Kiran Pal Yadav, running a diary business in NSG Manesar. Said Parveen Yadav allured the complainant to invest in the work of construction of chain link fencing in NSG Garrison. Placing reliance on the representation made by said Parveen Yadav, complainant transferred an amount of more than ₹20.15 crores through RTGS on different dates to the said accused, who in

connivance with other co-accused including the petitioner, committed financial fraud with the complainant.

(ii) After registration of the FIR, special investigation team headed by ACP Crime-1, Gurugram was constituted. Forged documents sent to the complaint by accused Parveen Yadav were taken into possession. Relevant bank statements were obtained. Production warrant for petitioner-Rituraj Yadav and accused Mamta Yadav, who were already in custody in other cases, were got issued. Their disclosure statements were recorded. Certain recoveries were effected from the co-accused. Petitioner-Rituraj Yadav got recovered relevant papers. It was found during investigation that verification and certification of the bank account in Axis Bank was got done by petitioner-Rituraj Yadav, the sister of main accused-Parveen Yadav. Petitioner was working as Branch Head of the Axis Bank at the concerned branch. It also came forth that accused-Parveen Yadav with the help of his sister i.e. petitioner Rituraj Yadav got opened fake account in the name of EMD for Central Warehouse, NSG, Manaser and in the said accounts, various amounts of the complainants of five different FIRs including the FIR in question were got deposited. An amount of approximately ₹18.45 crores was returned to Devender, the complainant of FIR No.10; amount of ₹2,35,70,000/- was returned to Vishali Jain, the complainant of this case. It was also found that an amount of more than ₹122.54 crore had been transferred by accused Parveen Yadav in his personal account, in the account of his wife and also in the account of his company Koshiya Enterprises. Some of the amount was found to have been transferred in the accounts of various accused and companies.

(iii) After completion of investigation, challan has since been filed. Charges have been framed on 20.03.2023. Trial is now pending in the Court of ld. CJM, Gurugram. The Status report filed by the respondent-State also reveals that petitioner is involved in as many as 5 cases including the present case, all of the similar nature and all registered in the Police Station, Manesar, Gurugram.

3. (i) It is contended by ld. counsel that petitioner has been falsely implicated on account of her relationship with main accused Parveen Yadav, who is her brother. It is her brother i.e. Parveen Yadav, who misled the petitioner that money in Koshiya Bank Account was legitimate and that profits were being earned after the income from a trading account. Petitioner came to know only from the various media reports that money had been wrongfully made by inducing builders and other companies to part with their monies by accused on the false pretext of accepting Earnest Money Deposit into the Government accounts towards fictitious tenders, which were then routed into the Company's account and then transferred into the trading account.

(ii) Ld. counsel for the petitioner further submits that petitioner is a lady, who is in custody for the last more than 1 year and 10 months. 106 witnesses have been cited by the prosecution in its list of witnesses and conclusion of trial is likely to take long time. Ld. counsel further submits that in FIR No.09 dated 08.01.2022 registered at Police Station Manaser, District Gurgaon, on the similar allegations, petitioner has already been allowed bail by Coordinate Bench of this Court vide order dated 28.11.2023 passed in CRM-M-19071-2023. Besides, co-accused of the present FIR, namely, Kamal Singh @ Kamal Singh Yadav has been allowed bail by Coordinate Bench of Court passed in CRM-24105-2023 decided on 01.06.2023.

With these submissions, prayer is made for releasing the petitioner on regular bail.

4. Ld. State counsel opposed the petition by pointing out towards the nature of crime & volume of amount involved and the manner in which it has been committed, inasmuch as petitioner in conspiracy with co-accused duped the complainant of crores of rupees. Ld. State counsel submits that petitioner actively participated in the crime, in collusion with her brother Parveen Yadav, who got opened fake account in Axis Bank, in which the amount transferred by the complainant on the allurement of the main accused, was received. However, it is not disputed by ld. State counsel that petitioner has already been allowed bail in another FIR No.9 of 2022 of the similar nature and that co-accused of the present case namely, Kamal Singh @ Kamal Singh Yadav has already been allowed bail. It is also informed by ld. state counsel that not even a single witness has been examined by the prosecution so far out of 106 cited by it.

5. I have considered submissions of both the sides.

6. Concededly, the present case falls in the category of economic offences. Case is triable by Magistrate. Investigation is already complete. Challan has already been filed. Out of 106 witnesses cited by the prosecution, not even a single witness has been examined so far. Petitioner is in custody for the last 1 year 10 months and 11 days, as per the custody certificate. No serious apprehension has been shown by ld. State counsel that petitioner may abscond from trial, in case she is released on bail. Petitioner is a woman, aged just 30 years and has a small child to take care of. The allegations against the petitioner are though quite grave, but veracity thereof is to be adjudicated

during course of trial, which is likely to take long time having regard to long list of witnesses.

7. Having regard to all the aforesaid facts and circumstances, but without commenting anything further on merits of the case, petition is allowed. Petitioner is admitted to regular bail on her furnishing requisite bail bonds and surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned. However, it is subject to the following conditions: -

i. Petitioner and her surety shall produce title deed of immovable property worth at least ₹5 Lacs; or in the alternative, bank guarantee of the similar amount; or the FDR issued by the Nationalized Bank of this amount, which shall be deposited with the Court concerned, where the bonds are furnished. The amount will be liable to be forfeited as per law in case of absence of the petitioner from trial without sufficient cause.

ii. The petitioner will not tamper with the evidence during the trial and shall not directly or indirectly coerce, induce, threaten or promise to any person acquainted with the facts of the case so as to dissuade him/ her from disclosing such facts to the Court or to any police officer or tamper with the evidence in any manner.

iii. The petitioner will not pressurize/ intimidate the prosecution witnesses.

iv. The petitioner will appear before the trial Court on each and every date fixed, unless is exempted by a specific order of Court.

v. The petitioner shall furnish her address and mobile number to the Trial Court forthwith and shall not change the same till the conclusion of the trial and in case for any reason, the petitioner seeks to change any of the aforesaid, the same shall be done only with prior intimation to the learned Trial Court, stating the reason for the same.

vi. The petitioner shall deposit her passport, if any, with the Trial Court forthwith and in case, she does not have the passport, she shall furnish a specific affidavit in this regard.

8. It is made abundantly clear that in case there is any breach of the aforesaid conditions, the State shall be at liberty to seek cancellation of bail as granted to the petitioner by this order.

9. It is further clarified that the observations made herein would not be construed as an opinion on the merits of the case and the trial would proceed independently of the aforesaid observations.

14.12.2023 **(DEEPAK GUPTA)**
Vivek **JUDGE**

1. Whether speaking/reasoned? ***Yes***
2. Whether reportable? ***No***