2023:PHHC:151770

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRM-M-36736-2023
Reserved on: 16.11.2023
Pronounced on: 29.11.2023

Randhir Singh

. . . . Petitioner

Vs.

State of Haryana

. . . . Respondent

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CORAM: HON'BLE MR JUSTICE DEEPAK GUPTA

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Present: - Mr. Vimal Kumar Gupta, Advocate, for the petitioner.

Mr. Randhir Singh, Addl. AG, Haryana.

Mr. R.P. Lubana, Advocate, for the complainant.

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DEEPAK GUPTA, J.

By way of this petition filed under Section 439 CrPC, petitioner pray for his release on regular bail in case FIR No.8 dated 04.01.2021 registered at Police Station Naraingarh, District Ambala, under Sections 406/409/420/467/468/471/120B IPC [Sections 409 & 467 IPC deleted later on].

2. (i) Allegations of the prosecution, emerging from the reply of the respondent-State, are that complaint was made by Shyam Lal Verma against the petitioner and various other co-accused (total 18 accused), as per which accused Vinod Kumar, Sunil Kumar Deewan and Rasal Chand were employees of the State Bank of India, who alongwith other employees of the Bank constituted a cooperative society in the name of "The Nationalized Bank Employees and other Public Co-operative T & C Society Limited, Naraingarh", which was got registered in February 1989. Petitioner joined as Accounts Manager in the said Society in 2008.

(ii) It is alleged that all the accused allured the general public to invest in the Society to get higher rate of interest to the tune of 11-12%, comparing to the other nationalized bank and issued FDs against investment to various people. On the allurement of the accused, complainant Shyam Lal, who was also an employee in the State Bank of India, Naraingarh, invested ₹9 lakh by way of 4 different FDs from the year of 2013. Other complainants invested ₹84,65,205/- by way of 30 different FDs in the Society. Every time on maturity of FDs, complainants kept on getting the same renewed till the year 2020. In 2020, when the complainant asked the maturity amount of his FDs, accused refused. It was alleged that accused committed fraud of ₹93,65,205/- as principal amount and the said fraud goes to more than ₹1.30 core by including interest.

(iii) After registration of the case, investigation was entrusted to Economic Cell. On the basis of statements of witnesses, it was revealed that another FIR No.43 dated 11.02.2020 under Sections 406/420/120-B IPC had already been registered at Police Station Naraingarh against petitioner-Randhir Singh and other co-accused, wherein there were allegations of alluring about 300 people for depositing their money in Society on the false promise of higher interest and that an amount of ₹35 crore was got deposited.

(iv) Police Report further reveals that on 04.03.2021, petitioner-Randhir Singh alongwith co-accused Rasal Chand, Vinod Kumar Sharma, Sunil Kumar Dewan and Kuldeep were produced on the production warrants. They were joined in the investigation of the present case. They admitted their guilt. Total amount of ₹28,000/- was recovered from various accused including ₹6,000/- from the petitioner. It was further found during investigation that accused Sunil Kumar Dewan and Vinod Kumar Sharma purchased and sold different properties in the name of their respective wives Suman Dewan and Sharda Rani as per details given in para-No.12 of the reply. Out of 25 properties as purchased by them, they sold 15 of them and divided the amount.

(v) It was also found that petitioner-Randhir Singh had constructed a new house in Village Ambali and that two plots of 8 Marla and 5 Marla had been purchased in the year 2016 and 2018 with the cheated amount in the name of his wife i.e., co-accused Ritu Rani. Petitioner was also found to be involved in another case FIR No.255 dated 13.07.2021 registered at Police Station Naraingarh under Sections 406/420/120B IPC.

(vi) After completion of investigation against petitioner and co-accused, final report under Section 173 CrPC has already been filed on 16.02.2023 and supplementary challan on 15.09.2023. Petitioner is stated to be involved in three other cases.

3. It is contended by ld. counsel that petitioner has been falsely implicated, inasmuch as he was simply doing the job as Accounts Manager in the Society; that he neither allured any person nor is the beneficiary of the amount. He was arrested on 03.10.2020 in FIR No.43 dated 11.02.2020, registered at Police Station Naraingarh, under Sections 406/420/120-B IPC. That the present FIR was lodged subsequently on 04.01.2021; that a civil dispute has been given the criminal colour; that co-accused Rasal Chand and Vinod Kumar Sharma have already been allowed regular bail by this Court, whereas co-accused Suman Dewan, Sumit Dewan and Sharda Rani

were allowed anticipatory bail. Ld. Counsel for the petitioner also drawn attention towards the long incarceration of the petitioner; the fact that case is triable by the Magistrate and trial may take time to conclude; and prayed for grant of bail.

4. Ld. State counsel strongly opposed the petition by pointing out towards the magnitude of fraud committed by the petitioner and the co-accused. Ld. State counsel submits further that petitioner may put pressure upon the witnesses to resile, in case he is released on bail. Attention is also drawn towards his criminal antecedents and prayer is made for rejecting the bail petition.

5. I have considered submission of both the sides and have appraised the record.

6. Petitioner is in custody in this case since 04.03.2021 i.e., for the last more than 2 years and 8 months. All the offences are triable by Magistrate. Concededly, petitioner was an employee of the Society as an Accounts Manager. It is yet to be established as to the manner, in which petitioner allured the complainants of the case to invest the money in the Society. It is also to be established during trial that two plots, allegedly purchased in the name of wife of the petitioner, were purchased by using the cheated money. Co-accused Rasal Chand and Vinod Kumar Sharma, against whom allegations are much more serious, have already been allowed bail by Co-ordinate Bench of this Court vide separate orders dated 11.04.2023 passed in CRM-M-29673-2021 and CRM-M-21142-2021, Annexures P2 & P3, respectively. Three other co-accused namely, Suman Dewan, Sumit Dewan and Sharda Rani were also granted the benefit of

anticipatory bail by Coordinate Bench of this Court vide orders dated 02.03.2023 (Annexures P4 to P6, respectively). Though, petitioner is stated to be involved in three more cases of the similar nature, but he has already been allowed bail in FIR No.43 dated 11.02.2023 registered at Police Station Naraingarh vide order dated 06.07.2023 passed in CRM-M-28008-2023 (Annexure P7). Trial may take long time to conclude, as challan has recently filed in the court.

7. Having regard to all the facts and circumstances as noted above, no purpose shall be served by keeping the petitioner detained. Consequently, without commenting anything further on merits of the case, petition is allowed. Petitioner is admitted to regular bail on his furnishing requisite bail bonds and surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned, on usual terms and conditions. The court concerned will also be at liberty to impose any other condition (s) having regard to circumstances of the case.

Pending application(s), if any, stands disposed of.

(DEEPAK GUPTA)
JUDGE

29.11.2023
Vivek

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