

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

CRM-M-38548-2023
Reserved on: 08.11.2023
Pronounced on: 09.11.2023

Varinder Kumar

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR JUSTICE DEEPAK GUPTA

Present: - Mr. Gaurav Gaur, Advocate, for applicant-petitioner.

Mr. Praveen Bhadu, AAG, Haryana.

Mr. Arnav Kumar, Advocate, for the complainant.

DEEPAK GUPTA, J.

By way of this petition filed under Section 439 CrPC, petitioner prays for grant of regular bail in case 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 co-accused Saroj Narang and Harvinder Singh alongwith Amit Kumar Luthra, Virender Verma (petitioner herein) and Pradeep Kumar dishonestly induced her (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 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 by ld. counsel that petitioner has been falsely implicated. In fact, he was just an employee of M/s Truck Money Transport Solution, where he joined on 05.12.2018 and had resigned on 08.03.2019. Email dated 15.04.2019 sent by him regarding resignation was accepted by the company on 17.04.2019. Annexure P3 and P4 are the copies of email and relieving letter in this regard. Petitioner further submits that he did not receive any amount from the complainant nor suggested regarding any investment through him. Petitioner had earlier applied for regular bail by way of CRM-M-13986-2020, which was dismissed on 02.09.2020. However, during pandemic Covid 19, he was allowed interim bail. He could not appear on 01.02.2023, due to which his bail was canceled. Later on, he was arrested. Ld. counsel for the petitioner also submits that co-accused Saroj Narang has already been allowed bail by this Court vide order dated 16.08.2023 passed in CRM-M-18753-2023 and that case of the petitioner is on a better footing. With these submissions, prayer is made for grant of regular bail.

5. Strongly opposing the bail petition, ld. State counsel assisted by ld. 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. It is contended that investors deposited the amount in these companies on the basis of false assurances given by the petitioner and other co-accused. Investigation also revealed that it is co-accused Harvinder Singh, 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 and it is in the account of these companies that amount of the investors have been transferred. There is nothing in the report to show that petitioner Virender Kumar has any concern with these 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.

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

7. It is not disputed that co-accused Saroj Narang has already been allowed regular bail. Petitioner is on similar footing, as no money has been transferred in his account as per the investigation, as it is co-accused Harvinder Singh, who is the proprietor of M/s Truck Money Transport Solution; and co-accused Amit Kumar Luthra, who is the owner of M/s Dhamaka Consultancy, and it is in the account of these companies that amount of the investors was transferred.

8. However, counsel for the complainant has opposed the bail petition on the ground that petitioner had misused the interim bail earlier granted to him on account of directions issued by this Court during Covid-19 period.

9. Custody certificate placed on record reveals that petitioner is in custody for the last 8 months and 13 days. Further trial may take time to conclude. No purpose will be served by keeping the petitioner detained.
10. Having regard to all the facts and circumstances, but without commenting anything further on merits of the case, 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.

Allowed.

(DEEPAK GUPTA)
JUDGE

09.11.2023

Vivek

1. Whether speaking/reasoned?

Yes
2. Whether reportable?

No