

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

1. CRM-M No.47789 of 2022 (O&M)

Savita Devi & another

... Petitioners

Versus

State of Haryana

... Respondent

2. CRM-M No.61186 of 2022 (O&M)

Parmod Sharma

... Petitioner

Versus

State of Haryana

... Respondent

Date of decision: 5th May, 2023

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. R.P.Singh Ahluwalia and Mr. Virender Soni,
Advocates for the petitioners.

Mr. Chetan Sharma, Dy. Advocate General, Haryana
for the respondents/State.

Mr. Naveen Jaglan, Advocate for the complainant.

MANJARI NEHRU KAUL, J. (ORAL)

The petitioners are seeking the concession of bail under
Section 438 Cr.P.C. in case FIR No.332 dated 25.07.2022 under
Sections 406, 420, 120-B, 467, 468, 471 IPC registered at Police
Station Modal Town Panipat, District Panipat (Haryana).

Learned counsel appearing for the petitioners submit that
they have joined investigation and cooperated with the investigating

agency in pursuance of the following order passed by a Coordinate Bench of this Court dated 17.10.2022 in CRM-M No.47789 of 2022:

“Learned counsel for the petitioner inter alia contends that petitioner No.1 is sister of the main accused and Vijay Sharma-petitioner No.2 is brother-in-law i.e. husband of petitioner No.1. He submits that whole of the allegations are against the main accused namely Vijay Sharma who is alleged to have duped the complainant along with some other persons. The petitioners have been implicated merely for the reason they are related to the main accused Vijay Sharma. He further contends that so far as petitioner No.2 is concerned, he is not named in the FIR.”

And the following order dated 03.01.2023 passed in CRM-M No.61186 of 2022:

“Learned counsel for the petitioner inter alia contends that the allegations in question are largely against the main accused namely Vijay Sharma. He further contends that the allegations against the petitioner are only to the extent that two transactions of Rs.50,000/- each have been reflected in his account. He further contends that the other co-accused have been granted regular bail by the Court except for the main accused namely Vijay Sharma. He further submits that the similarly situated co-accused namely Savita Devi has already been granted the concession of interim bail by this Court vide order dated 17.10.2022 passed in CRM-M-47789 of 2022, which is now fixed for hearing on 25.01.2023.”

A prayer has, therefore been made in the above facts and circumstances to make the orders dated 17.10.2022 and 03.01.2023 absolute.

Learned State counsel assisted by learned counsel for the complainant, however, has vehemently opposed the prayer made by the learned counsel opposite. He, on instructions from SI Baljit Singh, submits that the petitioners, though, have joined investigation but have been totally non-cooperative and have rather tried to mislead the investigating agency.

By inviting the attention of this Court to the allegations levelled in the FIR, which has been annexed as Annexure P1, as well as the reply filed by way of an affidavit of Sandeep Kumar, HPS, DSP Traffic Panipat, dated 19.01.2023, learned State counsel has submitted that the petitioners, who are close relatives of the main accused Vijay Sharma, were active participants in the crime in question; they had duped innocent persons including some pensioners, of their hard earned money, running into crores of rupees. It has been contended that the main accused Vijay Sharma introduced himself as a Purchase Manager with the IOCL Refinery at Panipat. After winning the confidence of the complainant and other investors, he induced them to part with huge sums of money by assuring them that their money would be invested with the IOCL Refinery, Panipat, and in turn they would also get handsome returns. As a result of the assurance given by accused Vijay

Sharma, the investors, after withdrawing different sums of money, from their bank accounts, handed them over to the accused including the petitioners, through bank transactions as well as cash. Learned State counsel submits that the petitioners, who are family members of the prime accused Vijay Sharma stood as guarantors and there was documentary evidence on record that different amounts of money had been deposited in the bank accounts of the petitioners, and it was qua these deposits that the petitioners have been evasive and non-cooperative. It has also been submitted that after the registration of the FIR in question, during investigation as many as 62 more persons, who too had been cheated and duped by accused Vijay Sharma and his family members including the petitioners, had come forward to give additional details of a similar fraud, as in the case in hand, committed upon them, by the accused party.

Learned State counsel vehemently prays that since there are huge monetary transactions in the respective bank accounts of all the accused including the petitioners, coupled with the fact that the petitioners have been evasive qua the source of the said transactions, which in fact, are proceeds of crime money, their custodial interrogation would thus be required to unearth the huge fraud committed by them.

Learned counsel for the petitioners have controverted the submissions made by the learned State counsel by reiterating the

submissions made at the time of issuance of notice of motion on 17.10.2022. Learned counsel for the petitioners assert that the petitioners have been falsely implicated in the instant case, just to exert pressure on the main accused Vijay Sharma and still further, the petitioners are entitled to the concession of anticipatory bail on grounds of parity as well, since co-accused Alka Sharma, Saroj Rani, Shakuntala and Subhash Sharma, have already been extended the concession of regular bail by the Court of learned Additional Sessions Judge, Panipat.

I have heard learned counsel for the parties and perused the relevant material on record.

Prima facie, there are serious allegations against the petitioners of having colluded with the main accused Vijay Sharma and thereafter, cheated large number of innocent persons, including some pensioners, by inducing them to part with their hard earned money and life savings on a false assurance of handsome returns, on the money invested by them with the accused. As apprised by the learned State counsel, the petitioners have failed to cooperate with the investigating agency. Fraud like the one in hand, which runs into crores of rupees, seriously impacts the economic health of the country. This Court concurs with the prayer made by the State that the custodial interrogation of the petitioners is required keeping in view the gravity and severity of the offences alleged.

The petitioners cannot seek parity with co-accused Alka Sharma, Saroj Rani, Shakuntala and Subhash Sharma, who have since been extended the concession of regular bail by the learned Additional Sessions Judge, Panipat. It needs to be clarified that different yardsticks are to be applied at the time of grant of the extraordinary concession of anticipatory bail and that of a regular bail.

As a sequel to the above, both the petitions stand dismissed.

However, it is made clear that anything contained hereinabove shall not be construed to be an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

May 5, 2023
rps

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