IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

****

CRM-M-47131-2023
Reserved on: 09.10.2023
Pronounced on: 12.10.2023

****

Sanjeev @ Sanju

. . . . Petitioner

Vs.

State of Haryana

. . . . Respondent

****

CORAM: HON'BLE MR JUSTICE DEEPAK GUPTA

****

Present: - Mr. Himanshu Arora, Advocate, for the petitioner.

Mr. Parveen Kumar Aggarwal, DAG, Haryana.

****

DEEPAK GUPTA, J.

Prayer in this petition filed under Section 439 CrPC is to grant regular bail to the petitioner in case FIR No.104 dated 16.02.2023 registered at Police Station Bhiwani Sadar, District Bhiwani, under Sections 420 IPC and Section 3 of the Haryana Protection of Interest of Depositors in Financial Establishment Act, 2013 (for short the Act No.32 of 2014) [later on Sections 406, 201, 192 & 193 IPC added].

2. Prosecution was launched on the complaint of Satendra & Virendra sons of Ajit Singh and Satyavan s/o Ram Kishan, as per which the accused namely Ishwar (since deceased), Ankit, Sanjeev @ Sanju (petitioner), Sandeep, Ram Niwas etc. had cheated them for an amount of ₹1,22,00,000/-, out of which an amount of ₹77,20,000/- was given in cash and the amount of ₹44,80,000/- was paid by way of cheques. It was alleged that complainants were allured to part with their money on the pretext that amount will be doubled as per the scheme. Matter was inquired into by the

Economic Offences Wing, Bhiwani and thereafter, the present FIR was registered.

3. During investigation, statements of witnesses were recorded. Petitioner Sanjeev @ Sanju was arrested on 30.06.2023. He suffered disclosure statement, as per which in September 2022, he had started agency of electric scooties in the name and style of Electric Ride in Meham, in which he was doing sale/purchase of scooties of the Maxim company. He along with his father Ishwar and other accused launched a scheme in village Talu to double the amount in 165 days and collected money from many people. They used to pay installment once a month and if any person paid amount of more than ₹10 lakh, then they used to give him a Maxim scooty as an inducement so as to collect money from other people. Petitioner further disclosed that many people invested the amount in crores. The complainant party invested ₹1,22,00,000/-, out of which ₹44,80,000/- was given by way of cheques. Petitioner further disclosed that said cheques of ₹44,80,000/- had come to his share, which he deposited in the account of his Electric Rides company and brought the scooties of Maxim company. He further stated that his father Ishwar died on 10.10.2022. According to him, Sonu Malhotra resident of Meham had purchased 64 scooties of Maxim e-vehicles in the name of Punjab Electronics, Meham, which he later on purchased after collecting the amount from various people under the scheme of doubling the amount and that he could get recovered two of the scooties as purchased by him. He further undertook to get recovered bills of the scooties sold and purchased by him.

4. The Police report reveals further that pursuant to the aforesaid disclosure statement, petitioner got recovered two electric scooties and some documents of the agency being run by him in the name and style of Electric Ride at Meham. However, it was found that the relevant record had been destroyed by him pertaining to the scheme of doubling the amount and so, Section 201 IPC was added. It was further found that e-way bills produced by the petitioner had been procured by him just to create the evidence and no such material as shown in the e-bills was ever delivered as per the contents of those bills. Statements of the owners of the respective vehicles were recorded, who were joined in the investigation, copies of which are Annexures R2 to R6 and all of them disclosed that bills shown to them were forged documents. After concluding investigation, challan has been filed and case is fixed for framing of the charge on 06.10.2023.

5. It is contended bsy ld. Counsel that petitioner has been falsely implicated and that allegations contained in the FIR are frivolous. It is submitted that petitioner is proprietor of the firm by the name of Electric Rides and that amount of ₹44,80,000/- was credited in his account in lieu of supply of electric scooty to SIYA electric ride owned by co-accused Ankit. Ld. counsel further contends that challan has already been submitted; and that trial of the case may take time to conclude and so, in all these circumstances, he be allowed bail.

6. By pointing out towards the role attributed to the petitioner and the huge amount of the complaints, which has been duped by the petitioner and co-accused, ld. State counsel has prayed for dismissal of the petition.

7. I have considered submissions of both the sides and appraised the record.

8. Amount of ₹44,80,000/- was paid through cheques. Petitioner conceded that this amount was credited in his account, though he submits that it was in lieu of supply of electric scooty to SIYA electric ride. Since it is the complainant party, who had paid the amount by way of cheques worth ₹44,80,000/-, so petitioner is unable to convince as to how the amount was credited in his account in lieu of supply of electric scooty to SIYA electric ride, with which none of the complainants have any concern. Apart from this, the e-way bills relied by the petitioner regarding sale and purchase of the scooties, have been found to be fake as per the investigation.

9. Considering the nature of allegations against the petitioner, the huge amount, which has been duped by the petitioner and the co-accused belonging to the complainant, but without commenting anything further on the merits of the case, I am of the view that petitioner does not deserve for grant of benefit of regular bail.

Dismissed.

(DEEPAK GUPTA)
JUDGE

12.10.2023
Vivek

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