

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

211/2

CRM M-47861 of 2023

Date of Decision: 28.11.2023

Abhishek Jalan and another

...Petitioners

Versus

State of Punjab

... Respondent

CORAM : HON'BLE MR. JUSTICE N.S.SHEKHAWAT

Present : Mr. Randeep Singh, Advocate and
Mr. Karanjeet Singh, Advocate
for the petitioners.

Mr. Amish Sharma, AAG, Punjab.

None for the complainant.

N.S.SHEKHAWAT, J.

1. The petitioners have filed the present petition under Section 438 of the Cr.P.C. with a prayer to grant pre-arrest bail to them in case FIR No.0046 dated 29.04.2023 registered under Sections 406, 420, 120-B of IPC at Police Station Phase-II, District SAS Nagar, Mohali.

2. The FIR in the present case was got registered by Rohit Ranjan son of Binay kumar, who alleged that the accused had committed fraud, cheating, embezzlement of money and property. As per him, the petitioners and other co-accused had cheated the complainant and several other persons. Initially, on the basis of the complaint moved by him and others, the investigation was conducted and it was found that Abhishek Jalan and his wife Komal Saluja, both the petitioners had got registered their Company at Bestech Business Tower, Sector 66, SAS Nagar and had appointed Dikshit Sood and

multiple people from different places. Initially by setting up of the Warehouse Delivery Services LLP (hereinafter to be referred as '**the PICKJI**'), in which, Abhishek Jalan and Komal Saluja were equal share holders, had appointed the delivery boys and the delivery boys used to fetch the parcels from the public and got the amount deposited. However, after some time, they stopped to supply/deliver the parcels containing various articles and fled away after locking up their offices in the year 2019. Abhishek Jalan and Komal Saluja and their co-accused had cheated the following the 14 persons:-

1.	Rohit Ranjan	An Amount of Rs. 4,09,000/-
2.	Satnam Singh	An Amount of Rs. 4,59,000/-
3.	Surinder Kaur	An Amount of Rs. 4,74,000/-
4.	Monika Aggarwal	An Amount of Rs. 4,40,000/-
5.	Amarjit Singh	An Amount of Rs. 5,09,000/-
6.	Shri Ram Julka	An Amount of Rs. 5,00,000/-
7.	Anil Kumar	An Amount of Rs. 4,85,000/-
8.	Mohammad Arif	An Amount of Rs. 4,85,000/-
9.	Rishav	An Amount of Rs. 4,09,000/-
10	Vishal Kumar	An Amount of Rs. 4,09,000/-
11	Bimla Devi	An Amount of Rs. 5,59,000/-
12	Dinesh Aggarwal	An Amount of Rs. 4,09,000/-
13.	Parminder Chadha	An Amount of Rs. 5,54,000/-
14.	Gurwinder Singh	An Amount of Rs. 5,18,000/-

In this manner, the accused had cheated an approximate amount of Rs. 66.63 lacs and after the investigation by senior officers, the FIR in the present case was registered.

3. Learned counsel for the petitioners contends that the petitioners, who are husband and wife, have been falsely involved in

the present case. In fact, due to Covid pandemic, the company suffered losses and had to close down the offices. He further contends that the company was forced to invoke "*force majeure*" clause and had informed its service providers that the company was not able to make the payments. He further contends that in the year 2020 also, the complainant and several other persons had moved a complaint against the petitioners, however, on inquiry by the Deputy Superintendent of Police, Command Centre Phase 8, SAS Nagar, Mohali, it was found to be a case of civil nature. Still further, the petitioner had never denied their commitment and it was a simple civil dispute between the parties.

4. On the other hand, the learned State counsel has vehemently opposed the submissions made by the learned counsel for the petitioners on the ground that numerous complaints have been received by the police against the petitioners, who had cheated the innocent people. The petitioners had got their company/the PICKJI registered at Chandigarh and had set up an office of Bestech Business Tower, Sector 66, SAS Nagar. They also further appointed Dikshit Sood and Arun Bansal as their agents. However, in the year 2019, the petitioners locked their offices and misappropriated the huge amount of the public. He further contends that the petitioners had cheated 14 persons to the tune of Rs. 66.63 lacs and after inquiry, the FIR has been registered in the present case. He further contends that the investigation in the present case is at initial stage and the custodial interrogation of the petitioners are required to know the involvement of other accused, involved in the FIR. Both the petitioners are main kingpins in the present case and their custody was required to make

various recoveries of record and huge amount. Thus, the petitioners do not deserve the concession of bail.

5. I have heard learned counsel for the parties and perused the record.

6. The petition was taken up by this Court on 13.10.2023 and the learned counsel for the petitioners had offered to compromise the matter with the complainant and other victims of the present case and prayed for grant of one opportunity to settle the dispute. Even, the learned counsel for the complainants/victims had also submitted that she had no objection in case the petitioners could come forward and make the payments to the complainants/victims. Consequently, the matter was referred to the Mediation and Conciliation Centre of this Court for resolving the dispute. However, as per the report of the Mediator, the petitioners had reported that in the absence of the petitioners, effective mediation could not be held.

7. From the record, it is evident that the petitioners had cheated the above mentioned 14 persons to the tune of Rs. 66.63 lacs. Even, the said victims had approached the petitioners, but they did not even hear them and had the intention to cheat the innocent investors from the very inception. In fact, in 2019 itself, prior to Covid pandemic, they had closed their offices and ran away with the amounts, which were collected from different persons. Apart from that, I find sufficient force in the submissions made by the learned State counsel that the custodial interrogation of the petitioners will be required for finding the involvement of other accused in the present case and for recovery of various documents from the present petitioners. Even otherwise, the investigation is at the initial stage and it would be

imperative to interrogate the petitioners to take the investigation to its logical conclusion. The petitioners have cheated the several innocent persons in the market and they did not deserve the concession of anticipatory bail.

8. Thus, finding no merit, the instant petition is ordered to be dismissed.

28.11.2023
amit rana

(N.S.SHEKHAWAT)
JUDGE

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