

201 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-49781-2023
Decided on : 24.11.2023

Mohit Sharma

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Chetan Bansal, Advocate
for the petitioner.

Mr. Mohit Kapoor, Addl. AG, Punjab.

Mr. Ramandeep Singh, Advocate
for the complainant.

Manjari Nehru Kaul, J.(Oral)

Reply by way of an affidavit of Deputy Superintendent of Police,
Sub Division Tanda, District Hoshiarpur filed on behalf of respondent in Court
today, is taken on record subject to all just exceptions.

Main case

Instant petition has been filed under Section 438 Cr.PC for grant of
anticipatory bail to the petitioner in case FIR No.85 dated 13.09.2023 registered
under Sections 406, 420, 120-B IPC at Police Station Garhdiwal District
Hoshiarpur.

2. Learned counsel for the petitioner *inter alia* contends that he has
been falsely implicated in the case at hand along with other co-accused for
allegedly opening an illegal bank by the name of Jasraj Mutual Benefit Nidhi

Ltd., and subsequently cheating the depositors of Group G to H of the bank by giving them post dated cheques, which were thereafter dishonored. It has been submitted that the petitioner was neither named in the FIR (Annexure P-1) nor any specific role assigned to him therein. Furthermore, it is a matter of record that the petitioner was merely a sleeping partner and was not even involved in day-to-day affairs of the company. It has also been submitted that even otherwise the FIR in question has been registered as a counterblast to the civil suit filed by the mother of the petitioner against the complainant.

2. Per contra learned counsel for the State while opposing the prayer and controverting the submissions made by the counsel opposite has submitted that there are serious allegations levelled against the petitioner that he along with other co-accused had duped the complainant and other depositors to the tune of Rs.274,80,450/-. He has submitted on instructions that the FIR in question was lodged after a detailed inquiry was conducted by SP(H) from where it had come to light that an illegal bank in the name of Jasraj Mutual Benefit Nidhi Limited had been formed by all accused in which the accounts of the customers were opened on the pretext of enrolling their membership. Learned State counsel has further submitted that the customers were allowed to deposit money in the illegal bank, however, they were not permitted to withdraw the same, without the consent of the accused. Learned State counsel has on further instructions informed the Court that the petitioner had not cooperated with the investigating agency as he had failed to hand over the relevant records. A prayer has been made for dismissal of the instant petition as custodial interrogation of the

petitioner, who is the kingpin of the crime in question, is required to unearth the entire crime.

4. Heard learned counsel for the parties and perused the relevant material on record.

5. *Prime facie* there are serious allegations against the petitioner of having duped innocent people to the tune of more than Rs 2,74,80,450/- as apprised by the learned State counsel, on instructions. The petitioner has not cooperated with the investigating agency. Hence, in view of the same, this Court concurs with the learned State counsel that the custodial interrogation of the petitioner would be necessitated.

6. In the circumstances, this Court does not deem it fit to extend the extraordinary concession of anticipatory bail to the petitioner. Accordingly, the present petition stands dismissed. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

24.11.2023
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Whether speaking/reasoned:	Yes/No
Whether reportable :	Yes/No