

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

218/2

2024:PHHC:022100

CRM-M-1538-2024

Date of decision: February 15, 2024

SANJEEV KUMAR VERMA AND ANOTHER

...Petitioners

Versus

STATE OF PUNJAB AND ANOTHER

...Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Pankaj Bali, Advocate
for the petitioners.

Mr. Amandeep Singh Samra, Assistant Advocate General, Punjab.

Mr. Bhupinder Singh Kundra, Advocate
for the complainant/respondent No.2.

MANJARI NEHRU KAUL, J.

1. The instant petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the petitioners in case FIR No.73 dated 24.04.2023 (Annexure P-1) under Sections 406 and 420 of the Indian Penal Code, 1860, registered at Police Station Khanna City-2, Police District Khanna.

2. Learned counsel for the petitioners contends that they have been falsely implicated in the instant case as there was nothing on record to link them to the alleged crime or to show that they were in any manner associated with the jewellery store mentioned in the FIR in question, which has been annexed as Annexure P-1, which purportedly assured the complainant gold jewellery in exchange for monthly payments of Rs.500/- for over 2 years. Additionally, it has also been argued that there was an unexplained delay in the lodging of the FIR. It has been further contended that despite allegations that the complainant had been depositing money with the accused-petitioners w.e.f. 30.08.2018 to

30.03.2020, strangely the FIR was not lodged until the year 2023. Furthermore,

learned counsel has claimed that attempts were also made to arrive at a settlement between the parties, however, no agreement was reached since the complainant failed to provide the original cards allegedly given to him by the accused-petitioners, so as to demonstrate and support his contention of participating in the 'kitty scheme' floated by the petitioners, *qua* the deposit of money.

3. *Per contra*, learned State counsel assisted by learned counsel for the complainant, has vehemently opposed the prayer and submissions made by the learned counsel for the petitioners. At the outset, learned State counsel has prayed for dismissal of the instant petition as the custodial interrogation of the petitioners would be necessitated in the instant case. It has been submitted that the petitioners had engaged in fraudulent activities, preying upon a significant number of poor, illiterate people, by swallowing their hard earned money under the guise of providing them with equivalent value in gold jewellery. Under the pretext of a 'kitty scheme', wherein the participants deposited Rs.500/- per month, the complainant also started contributing to the said scheme floated by the accused-petitioners, which they did upto 30.03.2020. Learned counsel have further submitted that the complainant, a poor illiterate person, who had been depositing his hard earned money with the accused-petitioners with the expectation of securing gold ornaments for his children's marriage, was however left empty handed; when he approached the accused-petitioners, they neither fulfilled their commitment nor returned his money. Furthermore, it was asserted that the *mala fides* and dishonest intention of the accused-petitioners was evident from the outset, as was evident from their subsequent conduct. A number of unsuspecting people from the lower strata of society fell victim to the deceptive practice of the accused-petitioners, leaving them in dire straits. It

has been further contended that beyond the recovery of the money so deposited with the accused-petitioners, crucial information solely within the exclusive knowledge of the petitioners is required to be collected, given the gravity of allegations against them and coupled with such like crimes being committed these days.

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

5. *Prima facie*, there are serious allegations levelled against the petitioners of having duped a number of innocent impoverished illiterate persons of their hard earned money on the pretext of providing them gold jewellery; neither the complainant was given the assured jewellery in *lieu* of the money deposited by them nor was the money returned. This Court concurs with the submissions and prayer made by learned State counsel that in view of the prevalence of such like crimes and many innocent people being duped by unscrupulous persons, the custodial interrogation of the petitioners would be required to unearth such like scams, which are coming to light almost every other day.

6. The petition stands dismissed.

7. 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.

February 15, 2024

Jaspreet Kaur

(MANJARI NEHRU KAUL)

JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No