

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

105-1 CRM-M-7567-2024
Date of Decision : April 09, 2024

MAANTA -PETITIONER
V/S

STATE OF HARYANA -RESPONDENT

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Dr. Pankaj Nanhera, Advocate with
Mr. Rahul Gautam, Advocate
for the petitioner.

Mr. Bhupender Singh, D.A.G., Haryana.

Mr. Partap Singh, Advocate and
Mr. Ajit Sihag, Advocate
for the complainant.

KULDEEP TIWARI, J. (ORAL)

1. Through the instant petition, the petitioner craves for indulgence of this Court for her being enlarged on regular bail, in case FIR No.294 dated 09.04.2016, under Sections 420 and 406 of the IPC (Sections 34, 35, 119, 120-B, 166, 177, 187, 188, 217, 218, 219, 409, 421, 423, 425, 426, 463, 464, 465, 466, 467, 468, 471, 477-A of the IPC, and, Section 3 of The Haryana Protection of Interest of Depositors in Financial Establishment Act, 2013, added subsequently) registered at P.S. City Hisar, District Hisar.
2. The genesis of the present FIR is embodied in the complaint made by one Jagbir Singh (hereinafter referred to as the ‘complainant’). The said complaint was made before the Lokayukta, Haryana, Chandigarh, which was subsequently sent to D.S.I., City, Hisar. The relevant extract of the said complaint, as narrated in paragraph No.2 of the order dated 05.02.2024, whereby the learned Additional Sessions Judge concerned has

declined to grant regular bail to the petitioner, is reproduced hereinafter:-

“The complainant was directed against the following four persons:-

- 1. Ashish Kumar, Secretary, “The Bank Staff Co-operative Urban Salary Earners” Thrift and Credit Society Limited, Near Gulati Hospital, Vijay Nagar, Hisar.*
- 2. Ashok Kumar, Deputy Registrar, Co-operative Societies, Mini Secretariat, Hisar.*
- 3. Sudhir Kumar, Assistant Registrar, Co-Operative Societies, Mini Secretariat, Hisar.*
- 4. Pardeep Kumar, SHO, PS, City Hisar.*

The complainant in his complaint stated that the above named persons are wrongly and knowingly abusing their position as public servants to gain undue advantage to themselves and their family members by corrupt practices and harming the complainant and other depositors of the society. He also stated that the accused are actuated with corrupt motive and are guilty of corruption and are in possession of property disproportionate to their known sources. They are deliberately not taking any action and there is complete lack of integrity and mal administration on their part.

The complainant submitted that Ashish above-said though is Secretary of the society but de-facto he is owner of it and running the society as his own ownership. Father of Ashish who was clerk in State Bank of India started this society in the year 1980 after taking registration No.56 dated 31.12.1979. Ashish and his father were able to win the confidence of the creditors and depositors in the society as they represented to the depositors that they will return the amount with half yearly compound interest @ 12% to 15%. The society started doing roaring business and got deposit Rs. 3 crores to 8 crores. Father of Ashish expired in 2009 and to run the society Ashish associated with him his close friend Kapil son of Ram Narain of Hisar and confidant Barkha daughter of Charan Dass, resident of Vijay Nagar, Hisar with a view to pocket the money of the society by showing fake salaries and other expenses of the society. He also raised three more S.E.T.C. (Salaried Employees Thrift & Credit) societies namely “Jai Luxmi”, “All Employees” and “Hisar City” to siphon off money from the first society (started by Ashish & his

father). The unlawful misappropriation of creditors' money started during the life time of father of Ashish and the after the death of his father these three accelerated it manifolds by purchasing landed property, luxury cars and gold jewellery and brought the Ist society to the brink of bankruptcy. The complainant is one such depositor who has deposited his hard earned money in the society to the tune of Rs. 20,81,338/- and Rs. 13,98,129/- in his own as well as in joint name of his mother on 30.9.14 with interest till date extra. He had been demanding back his money from Ashish for the last two years but he putting off the matter on one pretext or the other and is out to wind up his business with the active support of Deputy Registrar, Assistant Registrar of the society and SHO, PS, City Hisar (accused No. 2,3,4). He made complaint and brought this fact to the notice of aforesaid persons but the aforesaid persons appeared to be hand in glove with Ashish and have taken no action. Various complaints have been moved by him to the aforesaid persons and SSP, Hisar city but nothing concrete came out of that and, therefore, these aforesaid persons are not performing their duties in public interest.....”

3. What caused the petitioner to become implicated in the present FIR, is her role, as surfaced during the course of investigation. Investigation revealed that the petitioner, while being posted as Inspector, Cooperative Society, Hisar, did not take any action at the relevant point of time, which consequently facilitated the main accused to commit the alleged crime.

4. This Court had, on 14.03.2024, requisitioned a reply from the learned State counsel, which has today been filed, on affidavit of Vijay Pal, HPS, Deputy Superintendent of Police, Headquarters, Hisar. The reply is taken on record.

5. The thrust of the reply (supra) is embedded in the inquiry report dated 09.03.2018, which is annexed therewith as Annexure R-1-T, and wherein, at Point No.20, which is extracted hereinafter, the role of the petitioner has been highlighted.

“Sr./Point No.20:

Qua Point No.20, Smt. Maanta, Inspector, was required to take action against the society as per shortcomings indicated in her report dated 14.03.2014.”

6. This Court has heard the arguments advanced by all the learned counsels appearing for the contesting litigants and also perused the record.
7. It is not under dispute that the petitioner is not a beneficiary of any of the transactions, as carried out by the main accused. The sole allegation against her, is that, she did not take any action, at the relevant point of time, against the main accused/office bearers of the Society concerned.
8. It is also not under dispute that the entire investigation, which is yet progressing, is based on documentary evidence. Consequently, taking into account: (i) the role assigned to the petitioner; (ii) the fact that the petitioner is not the main accused; (iii) the petitioner has been languishing behind the bars since 24.01.2024; this Court deems it appropriate to grant the concession of regular bail to the petitioner. Therefore, without commenting upon the merits and circumstances of the present case, the present petition is **allowed**. The petitioner is ordered to be released on bail on furnishing of bail bond and surety bond to the satisfaction of concerned Chief Judicial Magistrate/trial Court/Duty Magistrate.
9. It is clarified that anything observed here-in-above shall have no effect on the merits of the trial and is meant for deciding the present petition only.

April 09, 2024
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(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No