**2024:PHHC:042506**

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

**103** **CRM-M-12374-2024**
**Date of Decision : March 22, 2024**

**DEEPAK KUMAR ALIAS DEEPAK JANGRA -PETITIONER**

**V/S**

**STATE OF HARYANA -RESPONDENT**

**CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI**

Present: Mr. Mohit Rathee, Advocate
for the petitioner.

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

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**KULDEEP TIWARI, J. (ORAL)**

1. Through the instant petition, as instituted under Section 438 of the Cr.P.C., the petitioner has sought the concession of anticipatory bail, in case FIR No.84 dated 11.03.2022, under Sections 120-B, 406, 420, 506 of the Indian Penal Code (hereinafter referred to as the 'IPC'), and, Section 3 of The Haryana Protection of Interest of Depositors in Financial Establishment Act, 2013 (hereinafter referred to as the 'Act of 2013'), registered at P.S. Sadar Narwana, District Jind.

2. The present FIR derives its genesis from a complaint made by one Kuldeep Singh (hereinafter referred to as the 'complainant'), wherein, he levelled allegations qua *him* and other persons becoming cheated by the accused. The relevant extract of his complaint, as narrated in paragraph No.3 of the order dated 23.12.2022, whereby, the learned Additional Sessions Judge, Jind, declined to grant anticipatory bail to the petitioner, is reproduced hereinafter:-

> *“.....in the year of 2018, Deepak Jangra came to meet complainant and told him about Ansh Motion Picture Company and stated that he is top promoter in the company and his ID is first in the said company. He told the complainant that on investing Rs.1,16,000/- in the company the pay out will be sent to him within 15 days. After 10 months the company will sent Rs.1,80,000/-. If he includes one member with I.D. then the commission of Rs.9000/- would be paid. If a lot of persons are included then vehicle will be given and he will be sent to foreign tour. Deepak Jangra instigated him and included him in his company. Thereafter, Deepak Jangra introduced him and his friends with his partner Deepak Malik owner and GM Parveen at Zirakpur at Chandigarh. They promised that their invested money would be doubled within 10 months. On their asking the complainant attended the seminar of the company with 50-60 persons. Thereafter, complainant invested his personal Rs.10 lacs in the company. The accused told him that for his investment the pay out is coming in time and they instigated him to invest more money. Thereafter, the complainant invested Rs.20 lacs on different dates. Apart from that his brother Parveen invested Rs.5,80,000/-, his uncle(Mama) investigated Rs.58,000/-, the son of his uncle(mama) namely Sunil invested Rs.58,000/- and other people also invested the money. Thereafter, Rs.8 lacs came in his account. After December 2018, they stopped their payment. The complainant came to know the company was closed and it cheated the complainant and other persons. Thereafter, Deepak Malik and his wife who was M.D. in the company came at Dhanoda and told that they will get the money after one month in routine but no amount was paid. Thereafter, when the complainant made a telephonic call then accused threatened him to kill him. The complainant and other persons have been cheated by the accused, therefore, action may be taken against the accused.”*

3. This Court had, on 11.03.2024, besides issuing notice to the respondent-State, also directed the learned State counsel to file a specific

reply, detailing therein, the role and criminal antecedents of the petitioners. Accordingly, the learned State counsel had, on 21.03.2024, filed the requisitioned reply, on affidavit of Dheeraj Kumar, HPS, D.S.P., Hansi.

**ANALYSIS OF THE REPLY FURNISHED BY THE LEARNED STATE COUNSEL**

4. The reply (supra) makes disclosure that, during the course of investigation, the record pertaining to complainant's Bank Account No.918010029692979 was taken into police possession. Thereafter, on 26.03.2022, the complainant joined the investigation and recorded his statement under Section 161 of the Cr.P.C. Moreover, he produced a list of 19 IDs amounting to Rs.20,13,500/-, against which money was invested in the company concerned, and, also gave the details of cheques, which were issued by the partner of the company concerned as security, in lieu of the invested money.

5. The reply (supra) makes further revelations that the statements of witnesses, namely Sunil son of Prem Chand, Rajinder Singh son of Sagar Chand, Gori Shankar son of Sher Singh and Anoop Kumar son of Atma Ram, were also recorded under Section 161 of the Cr.P.C., by the investigating officer concerned. Moreover, these witnesses also supplied documents to substantiate their claim *qua* them making investment in the company concerned.

6. Thereafter, the investigating officer concerned took into police possession a copy of Account Statement relating to Account No. 917020076367884, maintained by Ansh Motion Pictures LLP, at Axis Bank, Zirakpur. In addition, the record pertaining to registration of

company (supra) was also obtained from the Registration of Companies, Chandigarh. What transpired from the record, as received from Registration of Companies, Chandigarh, was that, the company (supra) was registered for the purpose of carrying out business of films, movies, serials, cinema production, song recordings, advertising films shooting and related business activities. The record further revealed that Mukesh son of Mahender and Sonu Rani daughter of Inder Singh are the Directors of the company (supra).

7. The other significant revelations, as made in the reply (supra) are that, from investigation, the petitioner and his co-accused are found to have lured innocent people to invest in their company, under the guise that, they will purchase a car in their name and in return, the company would give them huge returns on daily basis and eventually their invested amount would become doubled in a short span of time. To be precise, in the present case, the petitioner and his co-accused are found to have duped people for crores of rupees, i.e. Rs.1,26,06,500/-.

8. Insofar as the criminal antecedents of the petitioner and his co-accused are concerned, they are stated in the reply to be involved in five other criminal cases, whose details are extracted hereinafter:-

> *"a) Case bearing FIR No.01 dated 1.1.2022 under Sections 323, 365, 506, 34 IPC and Section 3 of Haryana Protection of Interest of Depositor in Financial Establishment Act, 2013, P.S. Julana. Final investigation report of the case has been filed.*
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> *b) Case FIR No. 45 dated 01.02.2022 under section 406, 420, 506, 120-B of Indian Penal Code and section 3 of The Haryana Protection of Interest of Depositors in Financial Establishment Act, 2013, Police Station Julana, District Jind. (Total amount of scam in this case is Rs. 2,08,00,000/-) (Quashed by this Court on*

> *the basis of compromise).*
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> *c) Case FIR No. 68 dated 03.03.22 u/s 406, 420, 506, 120-B of IPC and section 3 of The Haryana Protection of Interest of Depositors in Financial Establishment Act, 2013, registered at Police Station Sadar Narwana, District Jind. (Total amount of scam in this case is Rs. 2,14,52,558/-).*
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> *d) Case bearing FIR No.73 dated 23.02.2022 under section 323, 342, 386, 506 IPC and section 25 Arms Act, Police Station Julana, District Jind. (Total amount of scam in this case is Rs. 46,54,000/-) (Quashed by this Court on the basis of compromise).*
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> *e) Case FIR No. 83 dated 11.03.2022 u/s 406, 420, 506, 120-B of IPC and section 3 of The Haryana Protection of Interest of Depositors in Financial Establishment Act, 2013, registered at Police Station Sadar Narwana."*

**<u>SUBMISSIONS OF THE LEARNED COUNSEL FOR THE PETITIONER</u>**

9. The learned counsel for the petitioner, in his beseeching the grant of relief (supra), has assailed the validity of the present FIR, on the ground that, it has been registered after an inordinate and unexplained delay of 04 years, inasmuch as, the alleged occurrence is stated to have occurred in 2018, whereas, the present FIR has been registered in 2022. Nonetheless, he has further argued that once the provisions of Section 3 of the Act of 2013 were invoked against the petitioner, there was no occasion for the prosecution to also invoke the general provisions of the IPC, inasmuch as, no such offence is made out. The Act of 2013 is a complete Act, which prescribes remedial action(s) also, if somebody is aggrieved. However, instead of taking recourse under the Act of 2013, the present FIR has wrongly been registered by invoking therein the provisions of the IPC.

10. To overcome the hurdle created by the tainted antecedents of

the petitioner, the learned counsel for the petitioner has drawn attention of this Court towards the order dated 07.02.2024, drawn upon CRM-M-1061-2023, to contend that, in one of the FIRs registered against the petitioner, he has already been extended the relief of anticipatory bail by a Co-ordinate Bench of this Court. He has further submitted that, out of total five other criminal cases, two cases have already been quashed on the basis of compromise, whereas, three cases, wherein quashing of FIR has been sought on merits, are pending consideration before this Court. Lastly, he has submitted that, since the petitioner has joined the investigation in all the three pending cases (supra), he is ready to join the investigation in the present case also, therefore, he may be granted the relief of anticipatory bail.

**REASONS FOR REJECTING THE INSTANT PETITION**

11. This Court has made a meticulous survey of the entire record and has also considered the submissions made by the learned counsel for the petitioner, however, is not inclined to grant the extraordinary relief of anticipatory bail to the petitioner. The prime reason for forming this inference ensues from the present case, *prima facie,* being a clear cut case of cheating, where the petitioner has played an active part with his cohorts to defraud innocent people under the guise of doubling their money in a short span of time. What lends corroboration to the inference (supra) of this Court, is the occurrence of monetary transactions *inter se* the Ansh Motion Picture LLP and Darwin Group of Companies, details whereof are narrated in the reply (supra), as furnished by the learned State counsel. The relevant extract of the reply (supra) is reproduced hereunder:-

*"12. That, during the course of investigation of the present case*

*and other connected cases it has also been found that Sajjal daughter of Deepak Kumar @ Deepak Kumar Jangra (petitioner), Sangita wife of Deepak Kumar (petitioner), Vinit son of Deepak Kumar (petitioner), and, M/S D.K. Traders and Properties a firm of the Deepak Kumar (petitioner), had received huge amount from Ansh Motion Picture LLP and Darwin Group of Companies' from the year 2018 to 2021.*

*XX XX XX*

*It is further submitted that present petitioner used to send money received from Ansh Motion and Darwin Companies to various accounts to the account of his daughters namely Vanshika and Sajjal and thereafter used to withdraw the same. It is pertinent to mention here that the investigation of the present case and other aforementioned cases is being conducted in fair, proper and impartial manner and it is highly probable that the same would cogently unearth a huge scam of duping the innocent people belonging to different states. It is specifically mentioned here that present petitioner-accused has not joined the investigation of the case. It is submitted that SIT was constituted vide endst. No. 5904-911 dated 08.02.2024 by the Superintendent of Police, Hansi in compliance the ADGP, Hisar Range Hisar office Wan Msg No. 43384-85/A-4 dated 20.11.23 and the same is headed by the answering respondent. It is submitted that investigation of the case is pending yet."*

12. Moreover, it has specifically been averred in the reply (supra) that despite the petitioner being served a notice under Section 41(A)(1) of the Cr.P.C., he did not join the investigation, rather avoided the same by sending a medical prescription chit of medical rest.

13. Therefore, in view of what has been discussed above, especially the gravity of the offence, inasmuch as, it being an economic offence, coupled with the criminal antecedents of the petitioner, this Court does not deem it a fit and deserving case for grant of anticipatory bail to the petitioner. Consequently, the instant petition is **dismissed**.

**(KULDEEP TIWARI)**
**JUDGE**

**March 22, 2024**
**devinder**

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