**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**
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CRM-M-24038-2024
Date of Decision.:14.05.2024

Suraj Vishal …..**Petitioner**
Vs.
State of Punjab …..**Respondent**

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Gulzar Mohammed, Advocate
for the petitioner.

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DEEPAK GUPTA, J. (ORAL)

Prayer in this petition is for grant of anticipatory bail under Section 438 Cr.P.C in case FIR No.65 dated 06.04.2024 under Sections 406, 420, 120-B of the IPC registered at Police Station Sadar, Jalandhar.

2. On advance notice, Mr. Amandeep Singh, DAG, Punjab appeared on behalf of respondent- State whereas Mr. Anurag Arora, Advocate has puts in appearance on behalf of complainant and filed his power of attorney.

3. As it emerges on perusal of the paper-book that FIR has been lodged on the complaint of Varinder Singh, Project Director, AIG Infra Ltd., Jalandhar, which is dealing with sale of property including undertaking of the projects of constructing residential plots in Jalandhar and other areas of Punjab. It is alleged that one Rohit was working in the said company for the last five years as Senior Sales Executive whereas his wife

Vanita Vishal was working as receptionist. Rohit used to deal with customers on behalf of company and was authorized to settle the conditions with the customers. He was also authorized to receive the sale consideration from the customers. As it was found that said Rohit had committed fraud with the complainant company in January, 2023, he was confronted. He executed a written apology. Later on more complaints were received against him and so, ultimately said Rohit was terminated in July, 2023. The company later on came to know about more frauds committed by Rohit and his family members pertaining to which various cases were registered against them. It was alleged that one Jasbir Kaur had purchased two flats in Smart Homes- II and had transferred an amount of ₹6.5 lacs each through RTGS in favour of the company but was not issued receipts regarding the said payments. On checking the record of the company it was found that Rohit issued three receipts regarding three flats in the name of Kamal on the basis of RTGS amount received from Jasbir Kaur. On conducting further enquiry it was revealed that amount paid by Jasbir Kaur was not reflected in her name rather the three flats were booked in the name of Rohit and Vanita. It was further found that Rohit and Vanita Vishal had wrongly invested the amount of ₹4 lacs paid by Resham Kaur in the name of Kamal. Allegations were also made by another customer Ankur Kulhari, who was demanding cancellation of his booking of the flat and return of ₹3.5 lacs and on checking the record, the amount was shown to have been paid by Kamal. The further enquiries revealed that Kamal was real brother of Rohit and in active connivance with each other, they had cheated the complainant and the customers. Kamal had sent e-mail on 11.12.2023 to the company asking for refund of the money, showing the *mala fide* intention. On the basis of disclosure statement suffered by Rohit, the present accused- petitioner Suraj Vishal was nominated. It was found that he had actively participated in the crime with Rohit and Vanita Vishal. Said Vanita Vishal is none else, than the sister of the petitioner. Petitioner misused his position while working as Assistant Accountant with the complainant company and he used to provide all the information/details of the various amounts paid by the different customers through RTGS for booking of the flats to Rohit and his wife, who further issued receipts in the name of Kamal, instead of customers and thus all of them intended to earn huge profits by selling the plots, which were actually booked by others.

4. It is contended by learned counsel that petitioner has been falsely implicated; that in fact while the petitioner was working as accountant, Sukhdev Singh, Managing Director had called the petitioner besides co-accused Rohit and offered the flats on cheaper rates. It is also alleged that petitioner and others were terrorized to involve them in a false case. Complaints were also made by father of the petitioner against the above person. Later on, complaint under Section 156(3) Cr.P.C. was filed before the Magistrate. Sister of the complainant also filed application before Women Commission (Punjab). Learned counsel also contends that sister of the petitioner namely Vanita Vishal and Rohit have already been granted the benefit of anticipatory bail in FIR No.191 of 2023; and 98 of 2023 and as the petitioner was pursuing those cases pertaining to his sister, he has been

falsely involved. Learned counsel also contends that petitioner is ready to join the investigation and so, he be granted the benefit of anticipatory bail.

5. Strongly opposing the bail petition, learned State counsel along with counsel for the complainant contends that petitioner in collusion with the co-accused actively participated in cheating the complainant's company by divulging the details of the amount as deposited by various customers to co-accused Rohit and Vanita Vishal, who further issued the receipts in the name of Kamal and that all this crime was not possible until the information was provided by the petitioner. Prayer is made for dismissal of the petition by submitting that custodial interrogation of the petitioner may be required.

6. Heard.

7. Admittedly, petitioner was working as accountant in the complainant company. He was in the knowledge of all the accounts and the amounts being deposited by various customers. Co-accused Vanita Vishal is his sister and co-accused Rohit is his brother-in-law. Co-accused Kamal is the brother of co-accused Rohit and thus all these accused are closely related to each other. Being accountant in the company, petitioner was in a position to divulge all the information of the amounts deposited by various customers regarding bookings of the flats to his sister and brother-in-law, who used to issue receipts in the name of Kamal i.e. brother of Rohit. Thus, *prima facie* collusion of the petitioner with co-accused is quite apparent.

8. In view of the aforesaid discussion, and the nature of allegations, custodial interrogation of the petitioner may be necessary so as to unearth the entire truth and the *modus operandi* to commit the crime. As

such, without commenting further on the merits of the case, this Court is not inclined to grant benefit of anticipatory bail to the petitioner.

Dismissed.

(DEEPAK GUPTA)
JUDGE

May 14, 2024
Neetika Tuteja

Whether Speaking/reasoned Yes/No
Whether Reportable Yes/No