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

CRM-M No.26089 of 2024
Reserved on: 16.07.2024
Pronounced on: 30.07.2024

Vinod Kumar Sharma @Vinod Sharma ...**Petitioner**

Versus

State of Haryana ...**Respondent**

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Rajat Gupta, Advocate
for the petitioner.

Mr. Rajat Gautam, Addl. A.G. Haryana.

Mr. Davinder Lubana, Advocate
for the complainant.

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ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
255	13.07.2021	Naraingarh, District Ambala	120-B, 406, 420 (later on added 467, 468, 471, 201, IPC)

1. The petitioner incarcerated in the FIR captioned above had come up before this Court under Section 439 CrPC, 1973, seeking regular bail.

2. In paragraph 12 of the bail application, the accused declares the following criminal antecedents:

Sr. No.	FIR No.	Date	Offenses	Police Station
1.	8	04.01.2021	120-B, 406, 409, 420, 467, 468, 471 IPC	Naraingarh, District Ambala
2.	43	11.02.2020	120-B, 406, 420 IPC (added 467, 468, 471, 201 IPC added later on)	Naraingarh, District Ambala
3.	558	17.08.2023	406, 34 IPC	Tilak Nagar, District West at Delhi

3. The prosecution case is being taken from status report dated 16.07.2024 which reads as follows:

> *"4. That as a matter of fact the present case has been registered on the complaint made by Ram Karan Walia son of Sh. Balwant Singh R/o H. No. 408, Sector-4, HUDA, Naraingarh District Ambala against the accused- petitioner Vinod Sharma and other co-accused persons who were the office bearer and President of The Nationalized Bank Employees & others Public Co-operative T & C Society Ltd. Naraingarh i.e. total 22 accused namely Vinod Sharma, Kuldeep Kumar (President) Sunil Kumar Deewan (Vice President), Rasal Chand (Cashier), Randhir Kumar (Accountant), Pawan Kumar (since deceased), Som Nath, Amit Kumar, Vipin Kumar, Ankit Kumar, Sumit Kumar Deewan, Sahil Deewan, Suman Deewan, Sharda Rani, Kamlesh Rani, Anil Deewan, Ritu Rani, Master Hamir Singh, Sunehri Devi, Om Parkash, Naib Ali and Parmal Singh. The allegations of the complainant in above mentioned FIR No. 255 dated 13.07.2021 are that the accused- petitioner Vinod Sharma, Sunil Kumar Diwan and Rasal Chand were employees of the State Bank of India and they along with other employees of bank constituted a co-operative society in the name of '**The Nationalized Bank Employees and other Public Co-Operative T & C Society Limited, Naraingarh'**, accused Vinod Sharma in connivance with other co-accused Kuldeep Kumar, Rasal Chand, Randhir Singh and co-accused Sunil Kumar Diwan became the office bearers of the society. All the accused allured the general public to invest in the society to get higher rate of interest 13% as compared to the other nationalized Bank and issued FDs against investment to various people. On the allurement of accused, complainant Ram Karan Walia who was an employee Food Corporation of India and retired on 30.09.2010, invested Rs 24, 72, 265/- by way of different FDs from the year Walia who was an employee Food Corporation of India and retired on of 2010. Similarly other complainant Smt. Swaran Kaur w/o Surjeet Singh, Vijay Bala w/o Lt. Rajeev Modgil and Piyush Modgil son of Lt. Rajeev Modgil also invested huge amount on the allurement of accused-petitioner and other co-accused by way of different FDs in the Society and thereby all the accused have cheated the public at large for huge amount ie. Rs. 1,75,43,214/-. On the each date of maturity of FDs, complainants kept on renewing these FDs till the year 2020. In the year 2020 when the complainant asked to make the payment of their matured FDs, the accused person refuses to return their amount. Accused person thereby committed fraud of Rs. 1,75,43,214/- as principal amount. The facts in detail have been mentioned in the FIR and the copy of FIR has already been annexed by accused-petitioner with the petition as Annexure P-1, hence, the facts in detail are not repeated herein for the sake of brevity.*
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> *5. That after registration of case, the investigation of present case was carried out by local police of PS Naraingarh. It is submitted that it has been revealed that FIR No. 43 dated 11.02.2020 u/s 406, 420, 120-8 IPC and FIR No. 8 dated 04.01.2021 u/s 406, 420, 120-8, 467, 468, 471 IPC have already been registered against the above society. The IO tried to join the accused persons in the investigation but the accused did not join the investigation.*

Sonia Puri
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I attest to the accuracy and integrity of this document

6. That in the meantime, co-accused Sharda Rani filed an anticipatory ball application before the Court of Ld. Sessions Judge, Ambala and she was granted interim protection and in compliance with the order of this Hon'ble Court and on 08.08.2021, the IO joined co-accused Sharda Devi in the investigation and after due interrogation, in pursuance with the order of Ld. Court. She was released on bail.

7. That thereafter, other co-accused Anil Deewan also filed an anticipatory bail application before the Court of Ld. Sessions Judge, Ambala and he was granted interim protection by the Ld. Court of ASI, Ambala and in compliance with the order of court on 22.08.2021, the IO joined co-accused Anil Deewan in the investigation and after due interrogation, in pursuance with the order of Ld. Court, he was released on bail and the interim order was made absolute vide order dated 25.08.2021.

8. That thereafter, the co-accused Kamlesh wife of Rasal Chand and Ankit son of Rasal Chand and Vipin son of Rasal filed anticipatory bail application before the Court of Ld. Sessions Judge, Ambala and they were granted interim protection and in compliance with the order of court, and on 17.08.2021, the IO joined co-accused Kamlesh wife of Rasal Chand and Ankit son of Rasal Chand and Vipin son of Rasal in the investigation and after due interrogation, in pursuance with the order of Ld. Court, they were released on bail and the interim order was made absolute vide order dated 24.08.2021.

9. That thereafter, other co-accused Sumit Deewan son of Sunil Deewan also filed an anticipatory bail application before the Court of Ld. Sessions Judge, Ambala and he was granted interim protection by the Ld. Court of ASJ, Ambalal and in compliance with the order of court on 08.11.2021, the IO joined co-accused Sahil Deewan in the investigation and after due interrogation, in pursuance with the order of Ld. Court, he was released on bail.

10. That thereafter, other co-accused Sumit Deewan son of Sunil Kumar Deewan also filed an anticipatory bail application before the Court of Ld. Sessions Judge, Ambala and he was granted interim protection by the Ld. Court of ASJ, Ambala and in compliance with the order of court on 04.04.2022, the IO joined co-accused Sumit Deewan in the investigation and after due interrogation, in pursuance with the order of Ld. Court, he was released on bail.

11. That thereafter, other co-accused Hamir Singh son of Karnail Singh also filed an anticipatory bail application before the Court of Ld. Sessions Judge, Ambala and he was granted interim protection by the Ld. Court of ASJ, Ambala and in compliance with the order of court on 15:05 2022 the IO joined co-accused Hamir Singh in the investigation and after due interrogation, in pursuance with the order of Ld. Court, he was released on bail and the interim order was made absolute vide order dated 18.05.2022.

12. That during investigation, another complaint bearing No. 185-GDPNA Dated 12.03.2022 filed by Kali Ram son of Surta Ram has been received from the office

Additional Director General of Police, Crime Branch Panchkula against the accused-petitioner and co-accused has been received regarding the purchase of properties from their money deposited by the complainants to the accused persons. The complainant was joined in the investigation and his statement u/s 161 Cr.PC was recorded in this regard. Another complaint No. 1596-PW Dated 28.03.2022 has been received from Lalit Goyal son of Sh Roshan Lal Goyal regarding the purchase of properties from their money deposited by the complainants to the accused persons. The complainant was joined in the investigation and his statement u/s 161 Cr.PC was recorded in this regard and the IO collected the relevant documents i.e. FDR of the complainant. Another complaint No. 6338-PW Dated 15.12.2021 has been received from Dinesh Gupta son of Punnu Ram and Shikha Gupta daughter of Dinesh Gupta and Ramkali w/o Punnu Ram regarding the purchase of properties from their money deposited by the complainants to the accused persons. The complainants were joined in the investigation and their statement u/s 161 Cr.PC were recorded in this regard and the IO collected the relevant documents i.e. FDR of the complainant.

13. That during investigation of the case, the IO came to know that the accused-petitioner Vinod Sharma, co-accused Rasal Chand, Sunil Kumar Deewan, Kuldeep Kumar, and Randhir Singh were confined in Central Jail, Ambala in connection with case FIR No. 43 dated 11.02.2020 and in case FIR No. 8 dated 04.01.2021. Thereafter, the IO moved an application for issuance of production warrant of the above named accused and on 14.09.2022 with the permission of Ld. Court, the accused-petitioner and co-accused Rasal Chand, Sunil Kumar Deewan, Kuldeep Singh, Randhir Singh were joined in the investigation and were arrested in this case and during investigation, it has been revealed that the accused have already got recovered the documents of purchased properties and the cheated amount during the investigation of case FIR No. 43 dated 11.02.2020 and in case FIR No. 8 dated 04.01.2021. Thereafter, the accused were produced before the Court of Ld. Illaqa Magistrate and were sent to judicial custody.

14. That during investigation, it has been come on the record that in this case, total amount of Rs. 3,33,44,586/- has been deposited by the investor by way of various FDRs. It is also pertinent to mention here that only few of entries with regard to these deposits have been reflected out of FDRs in the record of the society and the accused have prepared forged record and as per the investigation of all three cases, it has been revealed that the accused- petitioner and co-accused i.e. the office bearers of the society have not shown in the record about deposit of FDR's serial no. 57001 to 58000 amounting to Rs. 42 Crore 34 Lakhs whereas the above numbered FDR's have been issued to the depositors. Hence, the accused have committed the grave offence with the public at large and therefore, the present petition is liable to be dismissed.

15. That it is submitted that it has come on record that the accused-petitioner Vinod Kumar Sharma being the office bearer of society and he remained worked as such till his arrest and during his tenure, the accused-petitioner in connivance with other co-accused allured the public at large and got the amount deposited in their society for the purpose of cheating. Copy of bye- laws amendment dated 04.01.1994 showing Vinod Kumar Sharma as Vice- President and true typed *annexure in English and vernacular of society resolution dated 30.08.2018 showing him elected as Committee member is annexed as Annexure R-1.*

16. That during investigation of present case, on the basis of statement of witnesses, it was revealed that another FIR NO. 43 dated 11.02.2020 u/s 406/420/120-B IPC PS Naraingarh has already been registered against accused Vinod Sharma and other co-accused, wherein the allegation of fraud against the accused persons was that they have allured about 300 persons for deposit of money in their society on false promise of higher interest and thereby got deposited Rs. 35 crores in above society. It is submitted that in that FIR accused-petitioner Vinod Kumar Sharma, co- accused Rasal Chand, Randhir Singh, Sunil Kumar Dewan, Hamir Singh and Kuldeep Kumar have been arrested and were confined in Central Jail, Ambala whereas other co-accused are on bail in this case.

4. The petitioner's counsel prays for bail by imposing any stringent conditions and contends that further pre-trial incarceration would cause an irreversible injustice to the petitioner and their family.

5. The State opposes bail and has referred to paragraph 17 and 18 of reply which reads as follows:

"17. That it is submitted that in the present case, no amount has been recovered from the possession of accused-petitioner Vinod Kumar Sharma and other co-accused. However, during investigation of case FIR No. 43 dated 11.02.2020, in pursuance of disclosure statements the accused persons, led the police party to their residential houses have got recovered total amount of Rs. 28,000/- i.e. Rs. 7000/- from accused-petitioner Vinod Kumar Sharma, Rs. 6000/- from co-accused Randhir Singh, Rs. 4000/- from co-accused Rasal Chand, Rs. 8000/- from co-accuset Sunil Kumar Dewan, and Rs. 3000/- from co-accused Kuldeep Kumar) which they have kept concealed in their houses out of cheated amount. On completion of police remains, all the above named accused persons were produced before the it. Court of Illaqa Magistrate and sent to judicial custody Copy of Recovery memos-anb documents dated 09.12.2020 and disclosure statement dated 24.09.2002 are annexed as ***Annexure R-2****.*

18. That it is submitted that during investigation, it has come on record that the co-accused Suman Diwan is the wife of accused Sunil Kumar Diwan and Sharda Rani is the wife of co-accused Vinod Kumar. Both the accused Sunil Kumar Diwan and accused-petitioner Vinod Kumar Sharma purchased and sold different properties in the name of their wives and other family members. The detail of properties purchased in the name of co-accused Suman Diwan and Sharda Rani and others jointly are as under:-

Al 4 Shops at Naraingarhin the name of Suman Diwan and Sharda Rani
B) Plot of 600 Yards at Pinjore District Panchkula Suman and Sharda Rani
C) Plot of 300 yards at Kansa Pur district Yamuna Nagar.
D) One Plot at Bilaspur, District Yamuna Nagar.

E) Plot of 200 yards at Shyam Nagar, Sarojini Colony Phase 1 Yamuna Nagar in the name of accused Petitioner Sharda Rani, Suman Diwan Rajni Lamba and Meenu Lamba.
F) 18 acre land at village Aaralyanwala in Tehsil Kharabad Distrikt Yamuna Nagar.
G) Two room set in housing society Kala Amb District Ambala
H) One Show Room in Bilaspur district Yamuna Nagar.
I) 4 Acre Land in village Tamnoli Tehsil Barara, district Ambala.
J) One Kanal Plot in Bilaspur district Yamuna Nagar.
K) 3 Flats in Surya Housing society, Faridabad" "

6. As per paragraph 4 of the bail petition, the petitioner is in custody since 08.12.2020 (in present case since 14.09.2022). Given the penal provisions invoked viz-a-viz pre-trial custody of slightly less than two years, coupled with the primafacie analysis of the nature of allegations and the other factors peculiar to this case, there would be no justifiability for further pre-trial incarceration at this stage, subject to the compliance of terms and conditions mentioned in this order.

7. Without commenting on the case's merits, in the facts and circumstances peculiar to this case, and for the reasons mentioned above, the petitioner makes a case for bail.

8. This order shall come into force from the time it is uploaded on the official webpage of this Court.

9. Given above, provided the petitioner is not required in any other case, the petitioner shall be released on bail in the FIR captioned above subject to furnishing sureties to the satisfaction of any nearest Ilaqa Magistrate/duty Magistrate. Before accepting the surety, the concerned officer/court must be satisfied that if the accused fails to appear, such surety can produce the accused.

10. While furnishing a personal bond, the petitioner shall mention the following personal identification details:

1.	AADHAR number	
2.	Passport number (If available) when the attesting officer/court considers it appropriate or considers the accused a flight risk.	
3.	Mobile number (If available)	
4.	E-Mail id (If available)	

11. The petitioner shall abide by all statutory bond conditions and appear before the concerned Court(s) on all dates. The petitioner shall not tamper with the evidence,

influence, browbeat, pressurize, induce, threaten, or promise, directly or indirectly, any witnesses, Police officials, or any other person acquainted with the facts and circumstances of the case or dissuade them from disclosing such facts to the Police or the Court.

12. Given the massive fraud, the Superintendent of Police should consider informing the concerned officer of the Enforcement Directorate about the most likely use of the proceeds of crime to acquire properties, as mentioned in the reply, if not already conveyed.

13. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.

14. A certified copy of this order would not be needed for furnishing bonds, and any Advocate for the Petitioner can download this order along with case status from the official web page of this Court and attest it to be a true copy. If the attesting officer wants to verify its authenticity, such an officer can also verify its authenticity and may download and use the downloaded copy for attesting bonds.

15. **Petition allowed** in terms mentioned above. All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

30.07.2024
Sonia Puri

Whether speaking/reasoned: Yes
Whether reportable: No.