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

**CRM-M No.28165 of 2024
Reserved on: 06.08.2024
Pronounced on: 30.08.2024**

Rasal Chand **...Petitioner**

Versus

State of Haryana **…Respondent**

CORAM: **HON'BLE MR. JUSTICE ANOOP CHITKARA**

Present: Mr. Brijender Kaushik, Advocate and
Mr. Bhishm Singh, Advocate
for the petitioner.

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

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ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
255	13.07.2021	Naraingarh, District Ambala	406, 420, 120-B, 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. As per paragraph 6 of the bail application and the reply/custody certificate, the accused has the following criminal antecedents:

Sr. No.	FIR No.	Date	Offenses	Police Station
1.	43	11.02.2020	Under Sections 406, 420, 120-B IPC	Naraingarh, District Ambala
2.	8	04.01.2021	Under sections 406, 420, 467, 468, 471, 120-B IPC	Naraingarh, District Ambala
3.	558/2023	--	Under Sections 406, 34 IPC	Tilak Nagar, Delhi West

3. The facts and allegations are being taken from the reply filed by the State, which reads as follows:

> "*4. That as a matter of fact the present case/FIR was 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 who has alleged in the complaint against the accused-petitioner Rasal Chand (Cashier), and OTARY 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 ie. total 22 accused and in the year 2018 namely accused-petitioner Rasal Chand, Kuldeep Kumar (President) Sunil Kumar Deewan (Vice President), Mukesh Kumar (Accountant) Vinod Sharma (Executive Member), Pawan (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, and Master Hamir Singh, Sunehri Devi, Om Parkash, Naib Ali and Parmar Singh. The allegations of the complainant in above mentioned FIR No. 255 dated 13.07.2021 are that the accused Vinod Kumar, Sunil Kumar Diwan and accused-petitioner Rasal Chand were employees of the State Bank of India and they alongwith 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' and accused-petitioner Rasal Chand joined as cashier, Mukesh Kumar joined as Account Manager and in connivance with other co-accused Kuldeep Kumar, Vinod Kumar 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 persons, 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 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 i.e.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 mature their FDs, the accused person refused 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."

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's counsel opposes bail and refers to the reply.

6. It would be appropriate to refer to the following portions of the reply, which read as follows:

"*3. That the present petition is liable to be dismissed on the ground that the petitioner has concealed the material and true facts in the petition in respect of his joining in the Society and has wrongly alleged in Para No. of the petition that he has joined the said co-operative society as member and remained as office bearer of the Society. This fact is totally wrong and denied. As per actual fact, the accused-petitioner has joined on 15.02.1989 in the Society namely State Bank of India and Nationalized Bank Co-operative Urban Salary Earners Thrift and Credit Society Ltd. Naraingarh and the name of the accused-petitioner Rasal Chand has been shown as President of the Society. However, lateron, in the year October 1st 1999, the nomenclature of the Society was changed to The Nationalized Bank Employees Co-operative Urban Salary Earners Thrift and Credit Society Ltd. Naraingarh and the said society worked upto year 2003. However, on 20.03.2003, the nomenclature of the Society was again changed to The*

Nationalized Bank Employees and other public Co-operative N.A T & C Society Ltd, Naraingarh and this society is still working under the above name and style and the accused-petitioner was President of the above society upto 20.05.2003. Thereafter, the accused-petitioner worked in the Society upto 2018 as Cashier and thereafter, upto 2020 worked as Executive member and in the year 2020, he became the president of above Society and still the accused-petitioner is President of the society. Hence, the present petition is liable to be dismissed on this ground alone."

7. The complainant also opposes the bail on the following grounds:

i. That the petitioner was working in State Bank of India and the along with Vinod Kumar who was posted in the pension branch, used to receive PPO of the concerned persons, then they used to approach the innocent persons like the complainant and show that they are giving more interest than the bank, therefore, the complainant/investors trapped the innocent persons in their conspiracy and in this manner, they usurped more than Rs. 100 crores of the innocent investors/complainant. On this ground alone, the present bail application is liable to be dismissed.

ii. That there are more than 600 investors in the present case and they were cheated for the amount, which spreads more than Rs.100 crores. The investors are basically ex-service men, daily wagers, farmers and retiree and they have invested their hard earned life time earnings with the accused- Society. On this ground alone, the present bail application is liable to be dismissed.

iii. That it has come on record that the accused-petitioner Rasal Chand 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."

8. The allegations are of duping people by making them believe that the Government backs the Co-operative society. The petitioner took advantage of some of the incompetent and corrupt government officials and also of those who were in deep slumber and unconcerned about the caliber of these thugs to loot the innocent and unsuspecting people of all their life savings. Evil people are always on the hunt to grab these shortfalls. The Co-operative Society was working under the eyes of law enforcement agencies and the concerned government agencies and authorities, who did not take any timely actions against such scamsters, resulting in massive loss of people's wealth. The loss to the people is massive, but the petitioner cannot be kept in pre-trial custody for an unlimited period.

9. There is sufficient primafacie evidence connecting the petitioner with the alleged crime.

10. Per the custody certificate dated 05.08.2024, the petitioner's total custody in this FIR is one year and nine months. Given the penal provisions invoked viz-a-viz pre-trial custody, 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.

11. 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. This order shall come into force from the time it is uploaded on this Court's official webpage.

12. 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 bonds to the satisfaction of the concerned Court and due to unavailability before any nearest Ilaqa Magistrate/duty Magistrate. Before accepting the surety, the concerned Court must be satisfied that if the accused fails to appear, such surety can produce the accused.

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

1.	AADHAR number	
2.	Passport number (If available) and 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)	

14. This order is subject to the petitioner’s complying with the following terms.

15. 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.

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

17. 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.

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

(ANOOP CHITKARA)
JUDGE

30.08.2024
Sonia Puri

Whether speaking/reasoned: Yes
Whether reportable: No.