



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

213

CRM-M-33421-2024 (O&M)
Decided on : 22.08.2024

DEEPAK SAINI

. . . Petitioner(s)

Versus

STATE OF HARYANA AND ANOTHER

. . . Respondent(s)

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

PRESENT: Mr. Tarunveer Vashist, Advocate
for the petitioner(s).

Mr. Gaurav Bansal, DAG, Haryana.

Mr. Shivam Chaudhary, Advocate for complainant.

KIRTI SINGH, J. (Oral)

Prayer in the present petition filed under Section 438 Cr.P.C., is for grant of anticipatory bail to the petitioner, in case FIR No.130 dated 25.06.2024, under Sections 406 and 420 IPC and Section 3 of Haryana Protection of Interest of Depositors in Financial Establishment Act, 2013 registered at Police Station Raipur Rani, District Panchkula.

2. The relevant part of FIR is reproduced herein below:

“Complaint against Deepak Saini son of Sh. Karam Chand, resident of Gadhi Kotaha, District Panchkula who has been accused by the complainants of cheating the committee for crores of rupees and of giving threats. Sir, we are residents of village Gadhi Kotaha and other nearby villages. We all invested in a committee with Deepak Saini son of Sh. Karam Chand, Resident of Garhi Kotaha, District Panchkula, around year 2018-2019. In the said committee we all had paid our instalments, but at the time of receiving our payments, the above said Deepak Saini son of Sh. Karam Chand ran away with the committee money. And later after some time passed, Deepak Saini son of Sh. Karam Chand came back and asked for a time of 2-3 years stating that he does not have money right now and to give him time so that he would return our money. Since then, it's now 2024, but Deepak Saini son of Sh. Karam Chand has not returned our money till date. Whenever we visit house of Deepak Saini son of Sh. Karan Chand for asking him to return our money, Deepak Saini and his wife threaten us that if we ask for our money or come back to their house, they will implicate false case of suicide and molestation upon me. That we also have video of Deepak Saini son of Sh. Karam Chand telling that he'd return the money, which we can show you. The said accused Deepak Saini son of Sh. Karam Chand resident of village Gadhi Kotaha, district Panchkula has Wood Shop in Shehzadpur, District Ambala. That the



said Deepak has committed fraud worth crores on pretext of committee. Therefore, it is requested that strict legal action should be taken against Deepak Saini son of Sh. Karam Chand so that he cannot commit fraud against anyone and our money be returned to us. We'll be grateful to you. Details of all the Prayed by:- 1. Amit Saini, son of Shadi Ram, village Gadhi Kotaha, district Panchkula, (mobile no. 9035260001) had a gave Rs. 9 lacs in committee in 2018-19, out of which some money was given by cash and cheque on the name of his father Shadi Ram. 2. Malkit Singh son of Gurmail Singh resident of village Ferozepur, district Panchkula (Mobile Number 8168088937) gave Rs. 1 lakh cash to Deepak in committee in 2017-18 3. Sant Raj son of Sh. Sadhu Ram resident of village Gadhi Kotaha, district Panchkula (Mobile Number 9896983538) gave Rs. 1 lakh each in two committees in 2018-19, out of which Rs. 1,92,5000 is outstanding towards Deepak. 4. Ram Singh son of Jeet Ram resident of village Gadhi Kotaha, cdistrict Panchkula (Mobile Number 9466988771) gave Rs. 1 lakh in committee in 2018-19, out of which some money was given in cash and other by Google Pay 5. Manu Sharma son of Raj Krishan Sharma village Gadhi Kotaha, district Panchkula (Mobile Number 9996381414) gave Rs. 3 lakh each in two committees in 2018-19, out of which Rs. 4,87,000 is due. 6. Manoj Kumar son of Sh. Hardiyal Singh village Gadhi Kotaha, district Panchkula (mobile number 9896717453) has Rs. 1,34,450 outstanding in committee of 2018-19 7. Rohtash son of Sh. Joginder Singh resident of village Gadhi Kotaha, district Panchkula. (Mobile Number 9466413585) has Rs. 2 Lac and Rs. 1 Lac worth committee in 2018-19, out of which Rs. 2,80,000/- are outstanding. 8. Shaym Lal son of Jagiriya Ram, Village Gadhi Kotaha, District Panchkula, (Mobile Number 9456082039) has due of Rs. 1,15,000 Lac committee in 2018-19 9. Kishori Lal son of Ram Pratap, Village Gadhi Kotaha, District Panchkula, (Mobile Number 8816978068) has Rs. 2 lakh in committee in 2018-19, out of which Rs. 1,60,000 given. 10. Mohan Lal son of Sh. Balbir Singh resident of village Gadhi Kotaha, district Panchkula, (Mobile Number 9996469218) had given Rs. 5 lac in committee in 2018-19 out of which Rs.3,20,000/- is outstanding. 11. Saabar son of Bashir resident of village Raipur Rani, district Panchkula, (Mobile Number 9466952160) has Rs. 1,50,000 outstanding of committee in 2018-19. 12. Rakesh Kumar son of Sh. Sardara Raj resident of village Gadhi Kotaha, district Panchkula, (Mobile Number 9466440285) gave Rs. 3 lac in one and Rs. 1 lakh each in two committees in 2018-19, out of which Rs. 2,58,000 is outstanding. 13. Surindar Kumar son of Sh. Raj Kumar resident of Dandlawad, District Panchkula (Mobile Number 9466071246) has two Rs. 1 lac each committee in 2018-19 out of which Rs. 1,70,000 is outstanding. 14. Hardiyal Singh son of Ajmer Singh resident of village Gadhi Kotaha, District Panchkula (Mobile Number 9992908845) has two committees of Rs. 1 lac each in 2018-19 out of which Rs. 45,000 is outstanding. 15. Shamsher Ali son of Nawazudin resident of Sultan Pur, district Panchkula (Mobile Number 9068760070) has Rs. 1 lac committee in 2018-2019 out of which Rs. 77,000 is outstanding 16. Jaspal Singh son of Dayal Chand resident of Sultan Pur, district Panchkula (Mobile Number 9050526267) has two committees of I lac each in 2018-2019 out of which Rs. 1,70,000/- is outstanding. 17. Ram Karan son of Dayal Chand resident of Masumpur, District Panchkula (Mobile Number 9781093593) has Rs. 1 Lac committee in 2018-2019 out of which Rs. 90,000 is outstanding 18. Jatinder Kumar son of Sarwan Kumar resident of village Gadhi Kotaha, District Panchkula (Mobile Number 7357763250) has Rs. 1 Lac committee in 2018-2019 out of which Rs. 60,000 is outstanding 19. Manoj Kumar son of Sh. Mangat Ram resident of village Dandlawad, District Panchkula (Mobile Number 9996448925) has a Rs 2 lac committee in 2018-19 out of which Rs 87,000 is outstanding 20. Anil Kumar son of Chandan resident of village Gadhi Kotaha, district Panchkula (Mobile Number 9896840336) has Rs. 3,50,000 outstanding 21. Shiv Charan son of Narata Ram resident of village Dandlawad, district Panchkula (Mobile Number 9813220019) has two committees of Rs 1 lakh each in 2018-19 out of which Rs 1,70,000/- is outstanding. 22. Sandeep Kumar son of Sh. Jeet Ram village Gadhi Kotaha, district Panchkula (Mobile Number 8708552053) has Rs. 3 lakh committee in 2018-19, out of which Rs. 1,91,000 is outstanding.”



3. Learned counsel for the petitioner *inter alia* submits that the petitioner has been falsely implicated in this case. The petitioner has not cheated any person nor has any concern with the alleged financial transactions. The petitioner does not owe any money to the persons mentioned in FIR. He further contends that the complaint was registered with mala fide intention against the petitioner due to previous animosity between the complainant and the petitioner. The complainant and petitioner have had differences in the past and the present FIR is an outcome of the hostility. It is also submitted that there is a delay of about 05 years in the complaint as it has been alleged that the cheating took place in 2018-19 but the complaint for the same was moved in 2024.

4. Learned State counsel has drawn the attention of this Court to Paragraphs No.4 to 8 of the status report dated 30.07.2024 that has been filed by the State, which are reproduced as under :

“4. That after registration of the present FIR, the investigation of the present case was conducted. On 04.07.2024, 6 persons who had given money to the petitioner were joined in the investigation and they had stated that the petitioner had taken money from them and now, he has refused to return the same and he keeps threatening them to implicate them in false cases. The details of the 6 persons and the money advanced by them to the petitioner is depicted in the table below: -

Name of the Committee Members	Amount given to the petitioner
Jaspal Singh	1,70,000/-
Kishori Lal	1,60,000/-
Rajesh Kumar	3,50,000/-
Manoj Kumar	1,34,000/-
Mannu Sharma	4,87,000/-
Sham Lal	1,40,000/-

5. *That on 05.07.2024, again six persons who had advanced money to the petitioner were joined in the investigation. Their details are depicted below:*



Name of the Committee Members	Amount given to the petitioner
<i>Dinesh Kumar</i>	<i>1,20,000/-</i>
<i>Malkit</i>	<i>1,00,000/-</i>
<i>Shamsher</i>	<i>77,000/-</i>
<i>Rakesh Kumar</i>	<i>2,58,000/-</i>
<i>Manoj Kumar</i>	<i>85,000/-</i>
<i>Shiv Charan</i>	<i>1,70,000/-</i>

6. *That on 06.07.2024, three more persons who had advanced money to the petitioner were joined in the investigation and their details are depicted below:*

Name of the Committee Members	Amount given to the petitioner
Sandeep Kumar	1,91,000/-
Surender	1,70,000/-
Amit Saini (complainant)	9,00,000/-

7. *That the complainant namely Amit Saini had also given a pen-drive to the investigating agency containing a video recording wherein the petitioner/accused is sitting in a Panchayat along with 2-3 other persons and he had admitted his liability to the complainant and other persons and he had also admitted to the fact that he is liable to pay the money to them.*

8. *That till now, 17 victims including the complainant have been joined in the investigation and 7 other persons are yet to be joined. The investigation of the present case is being conducted and from the investigation conducted so far, the petitioner has taken a total sum of Rs. 35,15,450/- from the committee members.”*

5. It is vehemently contended by learned State counsel that the investigation of the present case is at an initial stage and the custodial interrogation of the petitioner is necessary for conducting fair and impartial investigation.

6. Heard the rival submissions made by both the parties. Till now 17 victims including the complainant have been joined in the investigation



and 07 other persons are yet to be joined. There are serious allegations of financial fraud amounting to Rs.35,15,450/- against the petitioner.

7. In view of the above, without adverting anything on the merits of the case this Court is of the considered opinion that in order to unearth the true dimensions of the alleged crime, the police requires custodial interrogation of the petitioner in this case. Hence, the petitioner is not entitled for the concession of anticipatory bail and, accordingly, the petition is **dismissed**.

8. Pending application(s), if any, also stands disposed of accordingly.

(KIRTI SINGH)
JUDGE

22.08.2024

Kavita Nain

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