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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

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CRM-M No.37948 of 2024
Date of decision: 14.08.2024

Hemant Ranga @ Hemant Kumar Ranga ... Petitioner

Vs.
State of Haryana ... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Dixit Garg, Advocate,
for the petitioner.

Mr. Neeraj Poswal, AAG, Haryana,
for the respondent-State.

Mr. Sachin Jain, Advocate,
for the complainant.

MANISHA BATRA, J. (Oral)

1. The instant petition has been filed by the petitioner seeking pre arrest bail in case arising out of FIR No.0050 dated 09.03.2024 registered under Sections 120-B, 406 and 420 of IPC at Police Station Thanesar, District Kurukshetra, on the basis of written complaint lodged by Pardeep Chauhan, Assistant Registrar, Cooperative Societies, Kurukshetra, alleging therein that the accused Hawa Singh Ranga who was father of the present petitioner and was posted as Head Clerk in State Bank of India, Thanesar Branch had been running a society under the

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name of “The Hind Cooperative NATC” (For short “society”) in the name of his wife Raj Bala. The members of this society used to deposit money in the form of Fixed Deposit Receipts/Saving Accounts. The abovesaid Hawa Singh Ranga and his wife in connivance with each other had misappropriated the amount of money deposited by the public persons at large in the society. On conducting inquiry by the complainant, it was found that an amount of Rs.45,59,703/- had not been paid by the office bearers of the society after maturity of their Fixed Deposits/Saving Accounts and, therefore, he prayed for taking action in the matter. Subsequently, another complaint was filed for including the name of the present petitioner amongst the names of the accused by alleging that he too was actively participating in the business of the society. After registration of FIR, investigation proceedings have been initiated and are underway. Apprehending his arrest, the petitioner filed an application for grant of anticipatory bail which has been dismissed by the Court of learned Additional Sessions Judge, Kurukshetra vide order dated 29.07.2024.

2. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case as he has nothing to do with the working of society. He is neither member thereof nor any post was ever held in any capacity by him. The society was managed by his father who is since deceased and other office bearers and the entire record including record of financial transactions was maintained by them. His custodial

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interrogation is not required. He is ready to join the investigation. No recovery is to be effected from him. As such, it is urged that the petition deserves to be allowed.

3. Status report has been filed by the respondent-State and reply has been filed by the complainant submitting therein that the petitioner was actively participating in the affairs of the society. He was a record establisher. Even in the audit report for the year 2019-20, it was mentioned that he had been authorized by the society in the year 2017 for recovery of the outstanding loans. Learned State counsel assisted by learned counsel for the complainant has argued that the entire record of the society is in custody of the petitioner after the death of his father. He had been collecting debts of society. He is also a share holder in the same. That apart, he is custodian of the record of the society and is trying to cause disappearance of the same in order to show his non-involvement in the commission of subject offences. It is argued that there are chances of petitioner's absconding or tampering with evidence if extended benefit of anticipatory bail. Therefore, it is urged that the petition does not deserve to be allowed.

4. I have heard learned counsel for petitioner as well as learned State counsel assisted by learned counsel for the complainant at considerable length and have gone through the record.

5. The petitioner along with the co-accused has been booked for commission of offences punishable under Sections 120-B, 406 and 420

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of IPC on the allegations of cheating the members of the society by inducing them to deposit money for the same and also of misappropriation of the funds of this society. His claim that he has nothing to do with the society does not prima facie appear to be correct, in view of the fact that as per the audit report for the year 2019-20, copy of which has been annexed with the reply filed by the respondent-State as well as the complainant, he was shown to be authorized to recover the debts of the society. He is son of Hawa Singh Ranga who was mainly managing the affairs of the society by showing his wife to be the member of the same. After the death of his father, he is alleged to have been in command of the affairs of the society. An amount of Rs.45,59,703/- is alleged to have been misappropriated by the members of the society. At this stage, his complicity in the commission of subject offences cannot be ruled out. The allegations against the petitioner are serious in nature. For the purpose of taking custody of the record of the society, for recovery of the misappropriated amount of money deposited by the members of the Society/public at large and for conducting proper investigation in the matter by the police, the custodial interrogation of the petitioner is must. The custodial interrogation is qualitatively more elicitation oriented than questioning a suspect which is well ensconced with a favourable order under Section 438 of Cr.P.C. Moreso, it is well settled proposition of law that arrest is a part of procedure of the investigation to secure not only the presence of the accused but several other purposes. The powers of

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anticipatory bail are extra ordinary and the same are to be exercised sparingly in exceptional circumstances. The judicial discretion conferred upon the Court has to be properly exercised after application of mind as to the nature and gravity of the accusation, possibility of applicant fleeing from justice and other factors to decide whether it is a fit case for grant of anticipatory bail as such grant to some extent interferes in the sphere of investigation of an offence. The Court must be circumspect while exercising such power for grant of anticipatory bail and it should not be granted as a matter of rule and has to be granted only when the Court is convinced that exceptional circumstances exist to resort to that extra ordinary remedy. In the present case, no such exceptional circumstances warranting exercise of the powers for grant of anticipatory bail by this Court are existing. As such, I am of the considered opinion that the petition does not deserve to be allowed. Accordingly, the same is dismissed.

14.08.2024

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(MANISHA BATRA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No