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

CRM-M-41411-2023
Reserved on: 05.09.2024
Pronounced on: 26.09.2024

Karamveer Poonia ...Petitioner

Versus

State of Haryana …Respondent

CRM-M-41032-2023

Krishan Kumar ...Petitioner

Versus

State of Haryana …Respondent

CRM-M-41028-2023

Surender @ Shibu ...Petitioner

Versus

State of Haryana …Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Rakesh Nehra, Sr. Advocate with
Mr. Bindu Tanwar, Advocate
Mr. Reetesh Kumar, Advocate
Mr. Ankit Yadav, Advocate and
Mr. Sauhard Singh, Advocate
for the petitioner(s).

Mr. Aashish Bishnoi, DAG, Haryana.

Mr. Aman Gautam, Advocate
Mr. Rahul Gautam, Advocate and
Mr. Parshant Gupta, Advocate
for the complainant (in all cases).

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ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
242	03.05.2023	City Tohana, District Fatehabad	420, 406 & 120-B IPC

1. This order shall dispose of three petition as mentioned above. For the sake of

brevity, facts have been taken from ***CRM-M-41411-2023 titled as Karamveer Poonia vs. State of Haryana.***

2. The petitioner(s) apprehending arrest in the FIR captioned above has come up before this Court under Section 438 CrPC, 1973, seeking anticipatory bail.

3. In paragraph 10 of the bail petition, the accused declares that he has no criminal antecedents.

4. The facts and allegations are being taken from para 3 of the reply, which reads as follows:

> *"3. That the brief facts of the case are that in the present case the FIR got registered on the application moved by complainant Sahil son of Rajesh, resident of Brar Chowk, Tohana, District Fatehabad. Complainant, inter alia, alleged that they all residents of City Tohana are victims of crores of rupees of chit fund and monthly lottery scam and scandal by petitioner/accused Karamveer Poonia and his family members. It is further alleged by complainant that they all (residents of City Tohana) had invested their money in monthly lottery schemes run by accused Karamveer Poonia, Satbir son of Risal Singh, Krishan son of Risal Singh and their brother along with their sons Jaideep @ Neetu and Surender @ Shibu and they had given their saving amounts to them on interest and loan basis. Likewise, many people of City Tohana had also given their lifetime saving to petitioner-accused and his family members, after believing upon them so that along with investment said saved money could be used when needed from time to time but under a well-thought-out conspiracy and plan, to build trust for a few years, accused Karamveer Poonia and his family members have earned lot of money by investing their said amount in properties and now prices of their said properties have increased by 10 to 30 times. It is further alleged by complainant that now due to greed in their mind and on the pretext of mutual dispute between brothers and nephews, petitioner-accused and his family members have misappropriated people's money and they have stooped all the lotteries run by them, which were about 300 to 350 in numbers, deliberately and intentionally and they are not returning money and all account registers relating to lotteries have also been mutilated and destroyed or have concealed by them in their safe custody. It is further alleged that petitioner/accused and his family members had also given/issued receipts to them for the money borrowed from them in cash, which is proof of their dealing with them. Likewise, hundreds of people of city have also given their deposits to these people. It is further alleged that petitioner/accused and his family members have acquired a lot of Benami properties in City Tohana or beyond, in their own names or in the names of their relatives. It is further alleged that some time ago, petitioner/accused and his brothers have called them (complainant party) and said that they will return only 35% of their money and in lieu of that they (accused) would give them plots subject to depositing of development charges and other government tax. Complainant further alleged that now petitioner/accused and his family members have flatly refused to return*

> *their money. Panchayats were convened but to no effect. Now petitioner-accused and his family members are threatening them to kill. It is further alleged that petitioner/accused and his family members have resorted to hooliganism and whoever goes to them to ask for their money, they abuse, beat and threatened them to kill them. Complainant further alleged that they have also moved applications to Tehsildar and SDM, Tohana as petitioner/accused and his family members are in the process of fleeing abroad and absconding by squandering all the properties and transferring money to some other place. Complainant requested to take legal action against accused and his family members."*

5. 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.

6. The State's counsel opposes bail and refers to the reply.

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

> *"That from investigation of the case it is transpired that from past several years the petitioner/accused Karamvir Poonia in connivance with other co-accused set up a committee in Tohana for money transaction on interest and the same was unregistered. Due to trust peoples invested in the said committee. That the petitioner/accused Karamvir Poonia in connivance with other co-accused have usurped an amount of approx 2 crores from the complainant and other witnesses."*

8. The petitioner, Karamvir Poonia, has been explicitly named as the person who, in association with his brothers and other family members, cheated and defrauded the people of their hard-earned money. Although the petitioner's brothers and family members appear to be involved, it is Karamvir Paonia who has been highlighted as the kingpin of the scam. The allegations are of duping people by promising them exorbitant returns on investments and then fleeing away with their money. The allegations are heinous, but the offense occurred due to a lack of government safeguards in the non-banking sector and a lack of apt regulations. Evil people are always on the hunt to grab these shortfalls. The illegal chit-fund companies mushroomed under the eyes of law enforcement agencies, and the concerned government agencies and authorities 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 all the petitioners cannot be denied the relief of anticipatory bail. However, Karamvir Poonia fails to make a case for bail, but the other petitioners are entitled to the benefit of the doubt for anticipatory bail. However, co-accused Krishan Kumar and Surender @ Shibu's role is on lower footing.

9. A perusal of the bail petition and the documents attached primafacie points towards the petitioner Karamvir Poonia's involvement and does not make out a case for bail. Any further discussions will likely prejudice the petitioner; this court refrains from

doing so.

10. For the other petitioners, namely **Surender @ Shibu in CRM-M-41028-2023 and Krishan Kumar in CRM-M-41032-2023**, there is sufficient primafacie evidence connecting the petitioners with the alleged offense; still, it is neither a case for custodial interrogation nor pre-trial incarceration. Although the evidence might be prima facie sufficient to launch prosecution or to frame charges, this Court is not considering the evidence at that stage but is analyzing it for the bail stage.

11. Given the above, the penal provisions invoked coupled with the primafacie analysis of the nature of allegations and the other factors peculiar to this case, there would be no justifiability for custodial interrogation or the pre-trial incarceration at this stage. Without commenting on the case's merits, in the facts and circumstances peculiar to this case, and for the reasons mentioned above, the petitioners **Surender @ Shibu in CRM-M-41028-2023 and Krishan Kumar in CRM-M-41032-2023** make 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 petitioners **Surender @ Shibu in CRM-M-41028-2023 and Krishan Kumar in CRM-M-41032-2023** are not required in any other case, the petitioner shall be released on anticipatory bail in the FIR captioned above subject to furnishing bonds to the satisfaction of the Arresting Officer, and if the matter is before a Court, then the concerned Court and due to unavailability before 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.

13. While furnishing a personal bond, the petitioners 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. *The petitioners* **Surender @ Shibu in CRM-M-41028-2023 and Krishan Kumar in CRM-M-41032-2023** *are directed to join the investigation within seven days and as and when called by the Investigator*. The petitioner shall be in deemed custody for Section 27 of the Indian Evidence Act/ Proviso to Section 23 of BSA. The petitioner shall join the investigation as and when called by the Investigating Officer or any Superior Officer and shall cooperate with the investigation at all further stages as required. In the event of failure to do so, the prosecution will be open to seeking cancellation of the bail. During the investigation, the petitioner shall not be subjected to third-degree, indecent language, inhuman treatment, etc.

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. **Petition filed by Karamvir Poonia i.e. CRM-M-41411-2023, is dismissed**. Interim orders, if any, are recalled with immediate effect.

18. **Petitions filed by Surender @ Shibu i.e. CRM-M-41028-2023 and Krishan Kumar i.e. CRM-M-41032-2023 are allowed**. All pending applications, if any, are disposed of.

(ANOOP CHITKARA)
JUDGE

26.09.22024
anju rani

Whether speaking/reasoned: Yes
Whether reportable: No.