2024:PHHC:165966

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-47525-2024
DECIDED ON: 23.09.2024

RAVI VERMA

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Arjun Veer Sharma, Advocate for the petitioner.

Mr. Jaspal Singh Guru, AAG Punjab

SANDEEP MOUDGIL, J (ORAL)

1. ***RELIEF SOUGHT***

The jurisdiction of this court has been invoked under section 482 BNSS, 2023, for grant of anticipatory bail in the case arising out of FIR No.12 dated 16.04.2024 registered under Section 408 of the Indian Penal Code, 1860, at Police Station Punjab State Crime, District Crime Wing, SAS Nagar, (Annexure P-1).

2. The brief facts of the case read as under:-

Succinctly stated, the present FIR was registered consequent to the complaint dated 09.04.2024 moved by the complainant Kalyan Chand Jain, wherein he has submitted that he is 87 years old and owns a small commercial building at National Road, Ludhiana from which after shutting down his previous manufacturing unit, he is now *earning rent to take care of his household expenses. It was alleged that in October 2022, his accountant Rajesh Verma brought petitioner Ravi Verma suggesting that he would help him in his day to day affairs in office and that he would come for an hour or so on every working day. Complainant further stated that accountant Rajesh Verma had been associated with him for a very long time as his father Sudesh Verma served as an accountant for many years, when he was running his firms Ambassador Tape Mfg. Co and Ambassador Electros and after the death of Sudesh Verma, who was victim of Covid, he engaged his son Rajesh Verma as his accountant. It was stated by the complainant that because of the long association, he believed that the person introduced by Rajesh Verma did not need any investigation into his background and antecedents. Complainant submitted that his monthly withdrawal from the bank were about Rs. 25,000-30,000/- before Ravi Verma started with him and on October 2022, there were a little more than Rs.6,20,000/- in his account at SBI, Ghumar Mandi. He also had Mfs and small portfolio of shares, another account in ICICI Bank (about Rs.50,000/-), two credit cards and regular deposits of about Rs.90,000/- per month as rent receipts and also there were cash receipts. It was further rued by the complainant that trusting him, he shared all the information with Ravi Verma. He used to sign the cheque and each time Ravi Verma would fill the amount. When the money was brought to the office, Ravi Verma used to count and check and it was never handed over to the complainant. It was stated by the complainant that he trusted him with his credit cards and he even convinced him that he was not clever in handling his cell phone, thereby he secured full information about various passwords and PIN codes etc. On 01.09.2023, complainant found out that he has been completely ripped off by Ravi Verma, since without the knowledge of the complainant, he got his mutual funds of more than 27 lakh redeemed gradually, got his Demat portfolio of shares of more than Rs.12 Lakh liquidated. On 01.09.2023, he had only Rs.16,000/- in his SBI account and thereafter, found only Rs.11,000/- in his ICICI Bank account, his mutual funds*

> *portfolio completely wiped off, his shares stock dwindled to about Rs.70,000/- and a bill of more than Rs.40,000/- against one of his credit card and more than Rs.21,000/- bill against the other credit card was outstanding. Later on, when he went into the details of credit card bills he found that starting from December 2022, there have been large number of PAYTM transactions in EMI from credit card limit of his ICICI card is Rs.91,000/-, which now reduced to only Rs.9100/-, whereas of City Bank card from Rs.1 Lacs limit, it reduced to zero. It was stated by the complainant that all the e-Mails, messages regarding these credit cards bills were deleted from his computer. Still further, it was stated that at no point of time in 11 months, Ravi Verma was with him, did the accountant pointed out any discrepancy or any wrongdoing in the accounts, whereas he had been regularly attending to his work. Since, Ravi Verma used to keep mobile phone of the complainant with him, he probably deleted all the SMS messages that were received on all the transactions as we became aware of the cheating done, they did not find any of those messages under the SMS App. In this way, petitioner Ravi Verma duped the complainant of about Rs.50 Lacs. On the basis of aforesaid allegations and after inquiry by AIG (Crime Zone) Ludhiana, instant FIR was registered against the petitioner and Rajesh Verma."*

SUBMISSIONS

ON BEHALF OF THE PETITIONER:

3. It is contended by the learned counsel for the petitioner that the petitioner has been falsely implicated in the present case as he has been providing his best services to the complainant and as such the allegations in the complaint, which is the very basis of FIR, are totally false, frivolous and baseless. The petitioner has worked with the complainant for only one year from October, 2002 to October, 2023. It is further contended that complainant himself spent over 7.00 lacs of rupees for his own use and expense and when his family members

questioned him about the expenditure done by him, it is only thereafter, the complainant started levelling allegations against the petitioner and co- accused and got a compromise deed effected dated 01.09.2023 under threat to life, of admitting to have received Rs.7,00,000/- from the complainant.(Annexure P-5) Rather the petitioner moved one complaint dated 16.12.2023 against the complainant before the police authorities for captivating the petitioner forcefully and swindling Rs.7,00,000/- under the threat to life(Annexure P-6).

Notice of Motion

ON BEHALF OF RESPONDENT-STATE:

4. On the asking of the Court, Mr.Jaspal Singh Guru, Assistant Advocate General, Punjab, who is present in Court, accepts notice on behalf of the State and submits that the petitioner has duped the complainant of huge amount/money by misusing his juxtaposition with the complainant and taking the advantage of old age of the complainant, who is aged 87 years. The complainant trusted upon the petitioner for his day to day expenses and money matters but the petitioner completely ripped off the complainant by slowly draining the money from the accounts of the complainant. Therefore, the custodial interrogation of the petitioner is indispensable to find out that how much money was actually siphoned by the petitioner. Thus, the bail application is liable to be dismissed.

5. Heard learned counsel for the parties at length.

ANALYSIS AND CONCLUSION

6. Be that as it may, after considering the submissions made herein above and on perusal of the assertions made in the petition as well, this court is of the firm view that custodial interrogation of the petitioner is required particularly in view of the fact that serious overt act has been attributed to the petitioner

wherein he is alleged to have misappropriated the funds he was entrusted with while managing the bank account of the complainant and in light of that, it becomes indispensable to grant the relief of anticipatory bail to the petitioner.

Moreover, it is settled proposition of law that power exercisable under Section 482 BNSS, is somewhat extraordinary in character and it is to be exercised in exceptional cases. In State of ***Andhra Pradesh vs. Vimal Krishna Kundu, AIR 1997 SC 3589,*** Apex Court has held that in case of well orchestrated conspiracy, if the accused is equipped with anticipatory bail order before interrogated by police, would greatly harm the investigation and would impede the prospects of unearthing all the ramification involved in the conspiracy. Similarly, in ***Ram Govind Upadhyay versus Sudarshan Singh, (2002) 3 SCC 598***, it has been observed as under:

> *"3. Grant of bail though being a discretionary order — but, however, calls for exercise of such a discretion in a judicious manner and not as a matter of course. Order for bail bereft of any cogent reason cannot be sustained. Needless to record, however, that the grant of bail is dependent upon the contextual facts of the matter being dealt with by the court and facts, however, do always vary from case to case. While placement of the accused in the society, though may be considered but that by itself cannot be a guiding factor in the matter of grant of bail and the same should and ought always to be coupled with other circumstances warranting the grant of bail. The nature of the offence is one of the basic considerations for the grant of bail — more heinous is the crime, the greater is the chance of rejection of the bail, though, however, dependent on the factual matrix of the matter."*

7. In view of the seriousness of the allegations, the custodial interrogation of the petitioner is certainly required to bring the true picture to the ground regarding misappropriation of funds since hefty amount is involved in

question. Therefore, I find no merit in the petition and the same is hereby dismissed.

8. However, it is made clear that the observations in this order are only for the purposes of deciding this bail application and the trial Court is free to adjudicate upon the matter in accordance with law.

(SANDEEP MOUDGIL)
23.09.2024 **JUDGE**

Meenu

Whether speaking/reasoned *Yes/No*
Whether reportable *Yes/No*