2024:PHHC:148198

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

**220/2** **CRM M-50886 of 2024 (O&M)**
**Date of Decision: 06.11.2024**

(1) Mohd. Yunus Maniar ...Petitioner
Versus
State of Haryana ... Respondent

**CRM M-50924 of 2024 (O&M)**

(2) Vohra Tahir Ayubb ...Petitioner
Versus
State of Haryana ... Respondent

**CORAM : HON'BLE MR. JUSTICE N.S.SHEKHAWAT**

Present : Mr. Harvinder Singh Maan, Advocate, for the petitioners (in both petitions)

Ms. Sheenu Sura, DAG, Haryana.

Ms. Shreyansi Verma, Advocate, for the complainant.

**N.S.SHEKHAWAT, J. (Oral)**

1. This order shall dispose off two bail petitions, i.e., CRM M-50886-2024 titled as **"Mohd. Yunus Maniar Vs. State of Haryana"** and CRM M-50924-2024 titled as **" Vohra Tahir Ayub Vs. State of Haryana",** whereby, the petitioners have applied for grant of anticipatory bail under Section 482 of the BNSS in case FIR

No. 1200 dated 26.12.2022 under Sections 406, 420, 506 and 120-B IPC registered at Police Station Karnal, Civil Lines, District Karnal.

2. The FIR in the present case was registered on the basis of the complaint filed by Pramod Kumar son of Data Ram and the same has been reproduced below:-

> *"Copy of complaint is under. "To, The Superintendent of Police Karnal, Subjects In respect to taking legal action against 1. Rajpal son of Sh. Ram Prakash resident of House No. 258, Sector-7, Urban Estate, Karnal (Mob. No. 93549-30373), 2. Tarachand Rajesh Bansod Proprietor of Fishery Mart, 3. Vijay Pustekar, 4. Ajay Anandrao Borker, 5. Naveen Bose (Mob. No. 99910-05690), 6. Ashok Gola (Mob. No. 92661-60060) for committing fraud of Rs. 38,21,627/- on the pretext of returning double amount in connivance with each other and under a well-planned criminal conspiracy and giving threats to kill. Sir, Complainant submit as under: That I, Pramod Kumar son of Sh. Data Ram am resident of Quarter No. D-1, N.D.R.I. Campus, Karnal and am a peace-loving and law-abiding citizen and am doing job on the post of Technical Officer at National Dairy Research Institute, Karnal since May 1996. That in January 2012 Rajpal son of Sh. Ram Prakash resident of House No. 258, Sector-7, Urban Estate, Karnal met me during duty at N.D.R.I. Karnal and he received information about booking auditorium of N.D.R.I. and to hold programme there. In February 2013 Rajpal had booked auditorium of N.D.R.I. Karnal and had held programme. In the meantime Rajpal became my friend*

*during duty hours and after duty he became close to my father and other family members and we started meeting each other. Accused Rajpal said to me that he is proprietor of Grow India Finance Solution Company, SCO-11, 2 Floor, Urban Sector-8, Estate, Karnal. Besides this, he knows proprietors of other companies also. He and his company do work of investing money and returning double amount after two years. Besides this, he does work of developing colonies and sending people abroad. If I and my known persons invest money in his company then he shall return double amount after two years and alongwith this if I invest upto Rs. 25 Lac then one plot shall also be given to me. Besides this, his company also does work of tourism and sending youths abroad and that he has sent lot of people abroad and has given jobs to them there. He shall give one free tour to me and my family in one year. Besides this, he said that he is also partner in Mega Finance Agro Company and Fishery Mart etc. companion and if I invest money in these companies then these companies shall also give those benefits which his company gives. I trusted him and started investing money in his company as under: On dt. 08.03.2013 accused collected cheque of Rs. 1 lac of my and my father Sh. Data Ram's A/c No. 0319000302751809 of Punjab National Bank by visiting my house. On dt. 12.03.2013 accused collected cheque of Rs. 1 Lac of my and my father Sh. Data Ram's joint A/c No. 10003076755 of State Bank of Patiala by visiting my house. On dt. 30.05.2013 accused collected cheque of Rs. 85,000/- of my A/c No. 10003065552 of State Bank of Patiala by visiting my house. On dt.*

*31.05.2013 accused collected cheque of Rs. 1,90,000/- of my A/c No. 10003065552 of State Bank of Patiala by visiting my house. On dt. 20.08.2013 accused collected cheque of Rs. 1,30,000/ of my and my father Sh. Data Ram's joint A/c No. 0319000302751809 of Punjab National Bank by visiting my house. On dt. 27.08.2013 amount of Rs. 60,000/- was deposited in A/c No. 01689010004482 of Yes Bank of accused Rajpal from A/c No. 31136937595 of State Bank of India of my relative Krishan son of Sh. Mukhtiar Singh resident of Ravidas Pura, Hansi Road, Karnal. On dt. 29.08.2013 amount of Rs. 5,40,062/- was transferred from my and my father's joint A/c No. 10003076755 of State Bank of Patiala, Branch N.D.R.I. Karnal in bank account of Mega Finance Agro Company through RTGS at the instance of accused Rajpal. On dt. 29.08.2013 I transferred Rs.2,70,000/- from my account of Bank of Baroda In bank account of Mega Finance Agro Company through RTGS at the Instance of accused Rajpal. On dt. 06/11/2013 ausused Paypal collected Rs. 1,70,000/- cash from me and my father. After two years when I demanded back my amount from accused Rajpal and said that you have also not taken me on tour in two years, whereupon, (i) on dated. 26.08.2018 deposited Rs. 1,00,000/- through RTGS (ii) on dated 10.09.2015 deposited Rs. 3,02,537/- through RTGS (iii) on dated 19.09.2015 deposited Re 3,00,000/- in aforementioned account in cash. On dated 14.09.2015 deposited Rs. 4,00,000/- in afore-mentioned account. On dated 22.09.2015 deposited Rs. 1,00,000/- in afore-mentioned account. On dated 22.09.2015 accused*

*Rajpal collected Rs. 1,00,000/- in cash. Accordingly, accused Rajpal grabbed total Rs. 1302537/-, Rs. 1645062/-, Rs. 2947624/- from me in connivance with other accused and under a well-planned criminal conspiracy. (iv) Accused again gave assurance that I have Invested money in second project Fishery Mart and you also invest money in that project. After two years my money shall come from Fishery Mart and then I shall return all your money. Then accused Rajpal introduced me with Tarachand Rajesh Bansod Proprietor of Fishery Mart and Vijay Pustekar, Ajay Anand Rao Borker, Naveen Bose and Ashok Gola. Rajpal and all of them said to me that we are proprietors of this company and they gave assurance to me that you invest money in company and you will get good profits. We shall also send your son abroad and we are developing colony at Haridwar and we shall also give you plot there and shall return your total amount. Thereafter, I deposited money in A/c No.78705000672, P150-91426551284 and 91502001784528 of Fishery Mart of ICICI Bank and other banks in cash and through RTGS as under. (vi) That when I demanded my money from accused then accused gave many cheques to me to gain my trust. Photocopies of those cheques are attached herewith. Out of cheques those I have received total Rs. 1,26,000/- vide three cheques and all other cheques have been bounced. Afterwards, I kept on demanding back my money from all accused and accused said that they shall return all my money. Accused Rajpal said to me that he has invested money in property, you just give me some* *more financial help so that I can return your total amount. Thereafter, accused Rajpal said that if you want to send your son abroad then I can send him abroad and can also provide good job to him abroad. Then I gave Rs. 5 Lac in Year 2018 onwards and gave Rs. 5 Lac more to accused Rajpal by borrowing from my father. I gave him Rs. 1 Lac through bank and Rs. 9 Lac in cash. In lieu of this, accused had given cheque to me and my father, which has been bounced. That on dated 29.10.2022 I met afore-mentioned accused and asked him to return my money. Whereupon, accused became angry and he spoke derogatory words about my caste by calling me kutta, kamina and dedh and said that you have no status in front of me and gave threat that if you demand money again then I shall kill you. 8. That afore- mentioned accused in connivance with each other and under conspiracy have a well-planned criminal committed fraud of Rs. 38,21,624/- with me on the pretext of sending abroad and giving double amount of money invested in company to cause financial loss to me and to pass unlawful benefits to themselves. It is, therefore, requested that in view of afore-mentioned facts and circumstances, strict legal action be taken against afore-mentioned accused for committing fraud of Rs. 38,21,624/- with me on the pretext of sending abroad, giving double amount of money invested in company, giving plot to me, speaking derogatory words about my caste and giving threat to kill me, and my total amount be recovered from the accused and justice be given to me. I shall be highly thankful to you. Date: 31.10.2022. Complainant: Sd/ Pramod Kumar son of*

*Sh. Data Ram resident of Quarter No. D-1, N.D.R.I. Campus, Karnal, Mob. No. 94164- 68442.”.*

3. Learned counsel submits that petitioner Vohra Tahir Ayubb (in CRM M-50924-2024) had been falsely involved in the present case. The complainant had already settled the matter with Rajpal, main accused and Rajpal had already paid a sum of Rs.25,50,000/- to the complainant. He further contends that as per the complainant, an amount of Rs.20,85,062/- was invested in Megafine Agro Concept Limited, Mumbai and the petitioner is alleged to be one of the directors of the company. In fact, the petitioner never sought any investment from the complainant nor any false assurance was made to the complainant nor any of his family members. Apart from that, the case was based on documentary evidence and most of the documents had already been recovered by the police. Moreover, the petitioner was appointed and serving as Employee Director of the said company on salary basis and the petitioner was not the beneficiary of any of the transactions made by the complainant or any other person.

4. Similar submissions have been made on behalf of Mohd. Yunus Maniar (petitioner in CRM M-50886 of 2024), who also alleged that he was also a director of the company and had not received any amount in his account. In fact, the investments were made by the complainant with the company, which is a separate legal entity and the petitioner could never be termed as a beneficiary in any manner.

5. On the other hand, learned State counsel filed a status report by way of an affidavit of the Deputy Superintendent of Police, Traffic Karnal, on behalf of the respondent-State and has submitted that both the petitioners were the directors of the company, which had committed the fraud in the present case. The notices under Section 41(1) of the Cr.P.C. were issued to both the petitioners to join the investigation, but instead of joining the investigation, they had filed anticipatory bail petitions. Still further, the petitioners had cheated the complainant to the tune of Rs.20,85,062/-, which were deposited by the complainant in Indian Bank Account No. 002220110000437 of Megafine Agro Concept Company on different dates through RTGS. The petitioners had cheated the complainant and their custodial interrogation was required. Learned State counsel further submits that the following five case have been registered against Mohd. Yunus Maniar:-

> *"(i) FIR No. 17 dated 25-2-2016 under sections 420,406,120B IPC Police Station Sunam District Sangrur Punjab.*
>
> *(ii) FIR No 1/2015 under sections 409, 420, 406, 120-B IPC, Sections 3 and 4 of MPID Act Police Station Goregaon Mumbai Maharshtra.*
>
> *(iii) FIR No 150 of 2015 under sections 420,120B, 34 IPC Police Station North West Delhi.*

*(iv) FIR No 246 of 2014 under sections 406, 409, 420, 120-B, IPC Police Station Goregaon Mumbai Maharshtra*

*(v) FIR No 95 of 2016 under sections 406, 420, 467, 468, 471 IPC Police Station Amloh District Fatehgarh Sahib Punjab".*

6. Still further, even, one more criminal case has been registered against Vohra Tahir Ayubb, petitioner in CRM M-50924 of 2024 and both the petitioners had cheated several persons.

7. I have heard the learned counsel for the parties and perused the record.

8. As per the investigation conducted so far, it is apparent that the petitioners had cheated the complainant to the tune of Rs.20,85,062/-, which was deposited by the complainant, his family members in the Megafine Agro Concept Limited Company and both the petitioners were the directors in the said company. Apart from that, both the petitioners had not only cheated the present complainant, but several other investors as well. Thus, there are serious allegations against both the petitioners and keeping in view the gravity of the offence, the petitioners are not entitled to the discretionary relief of anticipatory bail. Apart from that, 05 other criminal cases against Mohd. Yunus Maniar petitioner in CRM M-50886 of 2024 and one more criminal case has been

registered against Vohra Tahir Ayubb, petitioner in CRM M-50924 of 2024 and they have cheated the several other investors as well.

9. Thus, in the considered opinion of the Court, the custodial interrogation of the petitioners is required in order to ascertain the details of the property and investments made by the accused, details of the money invested by the complainant and other victims and to recover the huge money, which has been collected by the petitioners from innocent victims.

10. Thus, the petitions deserve to be dismissed by this Court.

11. Dismissed.

**06.11.2024** **(N.S.SHEKHAWAT)**
amit rana **JUDGE**

Whether reasoned/speaking : Yes/No
Whether reportable : Yes/No