



CRM-M-59073-2024

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IN THE HIGH COURT OF PUNJAB & HARYANA  
AT CHANDIGARH

220 CRM-M-59073-2024  
Date of decision: 9<sup>th</sup> December, 2024

Raj Bala @ Raj Ranga ...Petitioner  
Versus  
State of Haryana ...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Ms. Sukhman Kaur, Advocate for the petitioner.  
Mr. Neeraj Poswal, AAG, Haryana.  
Mr. Joginder Singh, Advocate for the complainant.

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MANISHA BATRA, J (ORAL):-

The present petition has been filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') seeking anticipatory bail in the FIR mentioned below:-

| FIR No. | Dated      | Police Station                      | Sections                        |
|---------|------------|-------------------------------------|---------------------------------|
| 50      | 09.03.2024 | City Thanesar, District Kurukshetra | 406, 420 and 120-B of IPC, 1860 |

2. Briefly stated, the facts relevant for the purpose of disposal of this petition are that the aforementioned FIR was registered on the basis of a complaint lodged by the Assistant Registrar, Co-operative Societies, Kurukshetra, on the allegations that a society under the name of 'The Hind

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Cooperative Society (NATC) Ltd. Kurukshetra (for short 'the society') was run by the present petitioner and her husband Hawa Singh. The members of this society used to deposit money in the form of fixed deposit/saving accounts. The petitioner and her husband in connivance with each other and their son misappropriated huge amount of money deposited by the public persons with the society and this fact had been revealed on conducting inquiry. After registration of FIR, investigation proceedings have been initiated and are underway. Apprehending his arrest, present petitioner had moved an application for grant of pre-arrest bail before the Additional Sessions Judge, Kurukshetra, which was dismissed vide order dated 29.07.2024.

3. The present petition has been filed by the petitioner on the grounds and it is argued by her counsel that she has been falsely implicated in this case. She is only a ceremonial President of the society and infact, the entire work of the society was done by Jaswinder Singh, Vice President and Gurdev Singh, Treasurer, whose duty was to maintain the record of the society, deposit cash and to transfer the same as per the needs or requirements of the society. She did not do any financial transaction on behalf of the society nor the record was maintained by her, rather record of the same was maintained by her late husband and other members of the society. She never derived any financial benefit from the society not even a single penny was taken by her. Several members who had taken loan from the society had failed to repay and i.e. the reason of reduction of the funds of the society. The accounts of the society are audited every year and the same



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do not reveal receipt of any money whatsoever by the petitioner. The ingredients for commission of offence of cheating or criminal misappropriation are not made out against her. She is ready to join the investigation. No useful purpose would be served by keeping her in custody. With these broad submissions, it is urged that the petitioner deserves to be released on bail.

4. Vide order dated 26.11.2024, the arrest of the petitioner was ordered to be stayed till the next date of hearing and it was clarified that if the investigator wanted the petitioner to join the investigation, he could do so. It is submitted by learned AAG, Haryana that though the petitioner joined the investigation on 02.12.2024 but she is again required to join investigation rather her custodial interrogation is required.

5. Status report has been filed by respondent-AAG, Haryana and reply has been filed by complainant. *Vakalatnama* on behalf of the complainant has also been filed. It is argued by learned AAG, Haryana, assisted by learned counsel for the complainant that there are serious and specific allegations against the petitioner as she being President of the society and in collusion with her son i.e. co-accused Hemant Ranga and her husband had been actively involved in the working in the society and had misappropriated huge amount of money of the society. The bail petition of the son of the petitioner was dismissed by this Court vide order dated 14.08.2024, but he has not surrendered so far. The petitioner has purchased a house from the money which was misappropriated by her from the funds of the society. Co-accused Gurdev Singh in his disclosure statement had

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admitted the acting involvement of the petitioner and her son. On joining investigation in pursuance of order dated 26.11.2024, the petitioner has not co-operated and has given vague answers to the questions put to her and a transcript of the questions put to her during investigation and replies thereto as given by her has been annexed with the reply. It is argued that no extraordinary or sparing circumstance has even otherwise been made out for the purpose of extending benefit of bail to the petitioner. Her custodial interrogation is required for conducting thorough investigation in the matter as well as for knowing the manner in which, she has utilized the money belonging to the society. Therefore, it is argued that the petition does not deserve to be allowed.

6. I have heard learned counsel for the petitioner as well as learned State counsel at considerable length and have gone through the record carefully.

7. The petitioner along with co-accused who include her son as well, is booked for commission of offences punishable under Sections 406 and 420 read with Section 120-B of IPC, on the allegations that they had cheated the members of the society by inducing them to deposit money in the society and misappropriated funds of the society. The plea that she was only ceremonial president has no basis. Learned counsel for the complainant has placed on record copies of audit reports for the years 2019-2020, 2020-2021 and 2021-2022, showing the petitioner to be president of the society. These reports also show that the society was going into losses to the tune of huge amount of money. The petitioner along with the co-accused is alleged

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to have misappropriated an amount of Rs. 45,59,703/- from the funds of the society. There are specific allegations against her. She is not shown to have co-operated in the investigation, which she had joined on 02.12.2024. Keeping in view the nature of allegations as levelled against her as well as for conducting thorough investigation of the matter, for taking custody of record of the society and recovery of misappropriated amount of money, custodial interrogation of the petitioner is must. It is well settled proposition of law that while deciding an application for grant of anticipatory bail, the nature and gravity of the accusation, the part played by the accused, the possibility of his fleeing from justice or likelihood to repeat similar offence or other offences as well as the apprehension of the accused tampering with the evidence or extending threat to the complainant must be considered. It is well settled that custodial interrogation of a suspected person is qualitatively more elicitation oriented than questioning a suspect who is well ensconced with a favourable order of anticipatory bail. Many useful information can be disinterred during custodial interrogation. Moreso, no exceptional or extraordinary circumstance warranting exercise of powers for grant of pre-arrest bail is made out in this case. Keeping in view the nature of the subject offences and the role attributed to the petitioner and for the purpose of eliciting the truth, I am of the considered opinion that the custodial interrogation of the petitioner is certainly required. As such, no ground has been made out for extending benefit of bail. Accordingly, the petition stands dismissed.



8. It is, however, clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.
9. Since the main petition has been dismissed, pending application, if any, is rendered infructuous.

[MANISHA BATRA]  
JUDGE

9<sup>th</sup> December, 2024

|                |                               |   |          |
|----------------|-------------------------------|---|----------|
| Parveen Sharma | 1. Whether speaking/ reasoned | : | Yes / No |
|                | 2. Whether reportable         | : | Yes / No |