



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

101+210

CRM-12810-2025 in/and
CRM-M-1306-2025
Date of decision: April 1st, 2025

Nem Chand and another

.....Petitioners

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Arun Sharma, Advocate
for the applicant-petitioners.

Mr. Rajat Gautam, Additional Advocate General, Haryana.

MANJARI NEHRU KAUL, J.

CRM-12810-2025

Prayer in this application is for placing on record documents Annexures P-3 to P-7.

Application is allowed subject to just exceptions.

Documents Annexures P-3 to P-7 are taken on record.

CRM-M-1306-2025

Petitioners are seeking the concession of anticipatory bail in FIR No.352 dated 18.09.2024 under Sections 406, 420, 506 of the IPC registered at Police Station Sadar, Nuh.

2. Learned counsel for the petitioners submits that the petitioners have been falsely implicated in the present case at the instance of the complainant with an ulterior motive to extort money. It is contended that the petitioners, who are engaged in the jewellery business, had borrowed a total loan of ₹13,95,000/- from the complainant to sustain the operations of their business, out of which

₹13,40,400/- has already been repaid. Learned counsel further submits that, despite the substantial repayment, the complainant has maliciously lodged the present FIR (Annexure P-1) with the intent to harass the petitioners.

3. It is further argued that the petitioners have filed various complaints to the S.H.O., D.S.P. and the S.P., Nuh, against the complainant. However, no action has been taken on their representations, which itself raises serious doubts about the *bona fides* of the allegations levelled against them.

4. On being put to notice, learned State counsel has vehemently opposed the prayer and submissions made by the counsel opposite and reiterated the allegations levelled against the petitioners in the FIR in question. It has been contended that there are specific grave and serious allegations levelled against the petitioners. It has been further submitted, on instructions, that the petitioners, being goldsmiths, had received advance payments from multiple persons in Village Nausera, for the purpose of crafting jewellery. However, after collecting a substantial sum of approximately, ₹50 lakh from different persons under the pretext of delivering custom-made jewellery, the petitioners failed to honour their commitments and misappropriated the said amount.

5. It has been further submitted by the learned State counsel, on instructions, that several victims have come forward with complaints, alleging that the petitioners induced them into parting with their money by making false assurances regarding the timely delivery of jewellery. However, despite repeated demands, neither has the jewellery been provided nor has the amount been refunded to the respective

individuals. Moreover, the investigation is still at a nascent stage, and the recovery of the misappropriated amount is yet to be effected. Given these circumstances, it has been urged by the State counsel that custodial interrogation of the petitioners is imperative for not only ascertaining the whereabouts of the defrauded money but also for unearthing the full extent of the alleged fraud played upon innocent persons.

6. I have heard learned counsel for the parties and perused the relevant material on record.

7. *Prima facie*, the allegations against the petitioners are not only serious but also indicative of a well-orchestrated financial fraud, wherein unsuspecting individuals were allegedly lured into parting with their hard earned money on the fall promise of receiving jewellery in return. The fact that multiple complainants have levelled similar allegations against the petitioners, coupled with the substantial amount involved, *prima facie* suggests that the allegations are not a mere afterthought or a consequence of personal enmity, as sought to be projected by the petitioners.

8. Furthermore, the contention of the learned counsel for the petitioners that the petitioners have been falsely implicated due to an existing financial dispute with the complainant does not *prima facie* inspire confidence, especially in light of the allegations that several victims have reported a similar *modus operandi* on the part of the petitioners. The magnitude of the alleged fraud necessitates thorough custodial interrogation of the petitioners.

9. In view of the above, no ground is made out to extend the extraordinary concession of anticipatory bail to the petitioners.

10. Accordingly, the instant petition stands dismissed.
11. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

April 1st, 2025
Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No