IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

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CRM-M-4995-2025
Date of decision: 29.01.2025

Provash Nag and another .....Petitioners

Versus

The State of Haryana .....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Dhruv Gupta, Advocate for the petitioner.

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MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioners are seeking the concession of anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in case FIR No.180 dated 07.11.2024 under Sections 406/420 of the Indian Penal Code, 1860, registered at Police Station Sector-9, Ambala City, District Ambala.

2. Learned counsel for the petitioners has submitted that the petitioners have been falsely implicated in the present case merely due to their relationship with the prime accused, Raju Nag, it is submitted that the petitioners have no involvement in the alleged fraudulent transactions, nor is there any allegation by the complainant that they approached him or any other victims. It has been further submitted that the case of the prosecution is based entirely on documentary evidence, and as such, custodial interrogation of the petitioners is not required.

3. On being put to notice, Mr. Rahul Mohan, Sr. DAG, Haryana, accepts notice on behalf of the respondent-State.

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4. Learned State counsel has vehemently opposed the prayer made by the counsel for the petitioners for extending the extraordinary concession of anticipatory bail to them. It has been asserted that the petitioners were active participants in the crime in question; as many as 18 innocent persons, including the complainant, were duped of a huge amount of money, approximately Rs.85 lakhs under the false promise of securing employment in the Indian Railways. Learned State counsel has pointed out that substantial sums from the defrauded amounts were deposited directly into the bank accounts of the petitioners—Rs.16 lakhs in the account of petitioner No.2 and Rs.12,95,000/- in the account of petitioner No.1, while the remaining amount was transacted in cash. Learned State counsel has further contended that the matter involves a widespread pattern of fraud, with such complaints being frequently reported by innocent victims deceived into paying huge sums of money under the lure of Government jobs. While it is not disputed that the son of the petitioners, Raju Nag, is the prime accused, however, it is asserted that the fact that significant portions of the defrauded amounts were deposited into the bank accounts of the petitioners clearly indicates their active complicity in the crime in question.

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

6. It is evident that the allegations against the petitioners are prima facie substantiated by documented monetary transactions. The petitioners, in connivance with their co-accused son, are alleged to have

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orchestrated a fraud wherein innocent persons were misled and defrauded of their money under false assurances of employment.

7. Given the gravity of the offence and the wide spread impact of such fraudulent activities, this Court finds no ground in granting the extraordinary concession of anticipatory bail to the petitioners. The offence in question involves the exploitation of unemployed youth, who, in their desperation for employment, fall prey to such deceitful assurances. The increasing prevalence of such crimes underscores the necessity for thorough investigation and custodial interrogation where warranted.

8. For the reasons as enumerated hereinabove, the instant petition stands dismissed.

9. 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.

29.01.2025 (**MANJARI NEHRU KAUL**)
Vinay **JUDGE**

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

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