208.

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-18996-2025
Date of decision: 07.05.2025

Parveen .... Petitioner

Versus

State of Haryana .... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Partap Singh, Advocate,
Mr. Vikas, Advocate, and
Mr. Gourav Jangra, Advocate, for the petitioner.

Mr. Rahul Mohan, Senior DAG, Haryana.

Mr. Rakesh Nehra, Senior Advocate with
Mr. Harish Sharma, Advocate,
Mr. Sauhard Singh, Advocate, for the complainant.

MANJARI NEHRU KAUL, J. (ORAL)

1. Prayer in this petition filed under Section 482 of BNSS, 2023, is for grant of anticipatory bail to the petitioner in case FIR No.49, 20.02.2025, under Sections 318(4), 336(2), 336(3), 338, 340, 351(3), 61 of BNS, 2023, registered at Police Station City Jhajjar, District Jhajjar.

2. The FIR in question arises from a complaint filed by M/s Pushkar Automobiles, operating as an authorized 'Hero' dealership under the name 'Pushkar Hero'. The petitioner is alleged to have been associated with the complainant firm in a key operational role involving financing, sales, and billing functions.

3. The allegations levelled against the petitioner in the FIR (Annexure P-1) are grave, serious, and multifaceted. The core allegations pertain to large-scale financial fraud, misappropriation of funds, criminal breach of trust, fabrication of documents, etc. It is further alleged that forged identity proofs and fake rent agreements were used to illegally secure financing of vehicles, and that the petitioner threatened and intimidated the complainant upon discovery of these malpractices.

4. Learned counsel for the petitioner has vehemently argued that the petitioner has a clean past record and that he is being falsely implicated due to civil disputes and personal vendetta. It is contended that the petitioner never had exclusive control over the finances or accounts of the complainant firm and that all alleged transactions were either under the directions of the complainant or due to the own negligence of the complainant. Learned counsel has further alleged that the complainant was indulging in coercive practices and, therefore, was exerting undue pressure upon the petitioner, which is the prime reason for falsely implicating the petitioner in the present case as the petitioner refused to succumb to the pressure tactics employed by the complainant. It has been lastly contented that the custodial interrogation of the petitioner would not be warranted as all the material evidence is already in possession of the Investigating Agency.

5. In compliance of order dated 07.04.2025, learned State counsel has filed status report by way of an affidavit dated 05.05.2025 of Anirudh

Chauhan, HPS, Assistant Commissioner of Police, Salhawas, District Jhajjar, along with copy of table regarding the fraud committed by the petitioner upon 22 customers as Annexure R-1, has been filed in Court today, which is taken on record subject to all just exceptions.

6. Learned counsel for the State as well as learned senior counsel appearing on behalf of the complainant, while drawing the attention of this Court to the aforesaid status report, and the voluminous documentary material collected during investigation, have submitted that the petitioner, in collusion with his own brother, systematically siphoned off margin money paid by customers. The petitioner diverted these funds into personal accounts, manipulated invoices, and falsified identity documents to secure fraudulent financing of vehicles.

7. It has been further highlighted that from January 2023 to January 2025, the petitioner was involved in financing over 800 vehicles under the dealership of the complainant firm and another 490 vehicles under Credit Wise Capital (CWC). The volume of financial discrepancies, as per the learned State counsel, is staggering–approximately Rs.82 lakhs in a Kotak Mahindra Bank account, Rs.87 lakhs in a Canara Bank account belonging to the petitioner, and approximately Rs.96 lakhs in an Axis Bank account belonging to the petitioner's brother, Mohit, who was unemployed. These figures, as per the learned counsel, clearly suggest the operation of a structured and deeply entrenched criminal conspiracy. It has been further asserted by the counsel for the complainant that the submission made by the

counsel for the petitioner that the petitioner acted merely on instructions of the complainant, is bereft of any material in the light of the large-scale forgery and falsification of documents, which could not have occurred without active involvement and deliberate intent.

8. I have heard learned counsel for the parties and perused the material placed on record.

9. The submissions made by learned counsel for the petitioner that he acted merely on instructions of the complainant prima facie lacks credence in the light of the large-scale forgery and falsification of documents. The magnitude of the fraud, coupled with the nature of offences, prima facie points toward a calculated and sustained plan to deceive not only the complainant firm but also scores of unsuspecting customers.

10. This Court cannot overlook the fact that the alleged fraudulent acts have not only caused severe financial losses to the complainant firm, erosion of customers' trust but also have wider ramifications on public faith in the functioning of authorized vehicle dealerships and financing institutions.

11. The argument by the learned counsel for the petitioner that custodial interrogation is not necessary, is untenable. The material on record reveals that the conspiracy is far from unravelled. The roles of other co-accused, flow of funds, and ultimate use of embezzled amounts, require thorough custodial interrogation to trace the full scope of the financial

wrongdoing. The magnitude and complexity of the fraud necessitate uninterrupted and effective investigation.

12. At this stage, this Court finds no merit in the submissions made by the counsel for the petitioner which seek to downplay the seriousness of the allegations or shift the blame onto the complainant. The gravity of the offences, the quantum of the misappropriated funds, the risk of tampering with evidence, and the potential for further revelations upon deeper investigation, weigh heavily against the grant of bail.

13. This Court, therefore, does not deem it fit to extend the extraordinary concession of anticipatory bail to the petitioner since the allegations, prima facie, disclose the commission of offences that are not only serious but strike at the very integrity of commercial dealings and financial trust.

14. Present petition stands dismissed accordingly.

15. 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.

(MANJARI NEHRU KAUL)
JUDGE

May 07, 2025
sanjeev

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