



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

DATE OF DECISION: 22.01.2025

CRM-M-25192-2024

ROHIT

...PETITIONER

Versus

STATE OF PUNJAB

... RESPONDENT

CRM-25470-2024

PIARA RAM

...PETITIONER

Versus

STATE OF PUNJAB

... RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr.Gulzar Mohammad, Advocate for the petitioner(s).
Mr. Rajiv Verma, DAG, Punjab.
Mr. Anurag Arora, Advocate for the complainant.

SANDEEP MOUDGIL, J (ORAL)

This order shall dispose of the above-cited two criminal misc.petitions wherein the petitioners have been involved in a common FIR. For facts, CRM-M-25192-2024 is treated as the lead case.

This petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in FIR No.65 dated 06.04.2024 under Sections 406/420/120-B IPC registered at P.S. Sadar Jalandhar Commissionerate.

The FIR is reproduced below :-

'1.Rohit son of Piara Ram (M) 7696928152,7696928152 2. Vanita Vishal wife of Rohit and Daughter of Joginder Kumar (M) 9646038717,



9646038717 3. Rani Wife of Piara. Ram (M) All three residents of 11. No.B- 1/727, Ram Nagar, Jalandhar 4. Joginder Kumar son of Sanghu Ram 5. Suraj Vishal Son of Joginder Kumar (M) 9876826610, 9876826610 6. Rubia Mushrat Daughter of Joginder Kumar all three residents of 476-Cantt Road, Phagu Mohalla. Garha, Jalandhar City and their associates for committing cheating, fraud and embezzlement of huge amount by way of forgery and fabrication and giving threats. Sir, It is, respectfully submitted as under:-1. That AGI Infra Ltd. is a Company duly registered under the Companies Act, 1956; which has perpetual succession and being a juristic person, it can sue & be sued in its name. The present complaint is being filed by Varinder Singh Project Director AGI Infra Ltd., who is well conversant with the facts of the present case and is fully competent and authorized to file the present commplaint. 2. That AGI Infra is a renowned real-estate concern, having number of residential and commercial projects in Jalandhar and at several places in Punjab. 3. That Rohit son of Piara Ram Resident of 11.No.B- 1/727, Ram Nagar, Jalandhar Ananta, was employed at AGI Infra limited about 5 years ago and at present he was working as Senior Sales Executive at our office situated at SCO 1-5, Urbana, Jalandhar heights-II, Village Pholriwal, Jalandhar, whereas said Vanita Vishal wife of said Rohit, is also one of the employees at AGI infra Ltd. Said Rani is Mother of said Rohit, Joginder Kumar is father-in-law of said Rohit, Suraj Vishal is brother-in-law of said Rohit, who is also one of the employees at AGI Infra Ltd. and Rubia Mushrat is sister-in-law of said Rohit, who remained one of the employees at AGI Infra Ltd. 4. That said persons in very clever and well planned manner in connivance with each other, gained confidence of the directors and senior officials at AGI Infra Ltd.. due to which were assigned very important posts and positions at the office of AGI Infra Ltd.5. That day before yesterday, one Jagjit Singh son of Gurinder Singh Resident of Rayya, approached us at our office and informed that he has booked a 3 BHK flat, situated at Jalandhar Heights-III, Jalandhar and has agreed to purchase the said flat for Sum of Rs.57,00,000/-(Rupees Fifty Seven Lakh Only) plus GST, out of which he has paid Sum of Rs.26,80,000/- (Rupees Twenty Six Lakh and Eighty Thousand Only) for the same However upon enquiry, it transpired that only a sum of Rs.4,80,000/-(Rupees Four Lakh and Eighty Thousand Only) by way of 5 bank transactions, was being reflected to be received by the company, in the his statement of account, maintained in our office in the regular course of business and the total sale consideration of said flat fixed with the buyer/s by said Rohit, for company, as per company record, was



being reflected as Rs.35,00,000/- (Rupees Thirty Five Lakh Only) Plus GST (As applicable) Only. Upon further inquiry from the said Jagjit Singh, it transpired that said customer Jagjit Singh was attended and dealt by said Rohit, who has fixed the sale price of said Flat with Jagjit Singh at Rs.57,00,000/-(Rupees Fifty Seven Lakh) plus GST and thereafter by way of cheating, fraud and fabrication, showed said flat of the company as a re-sale flat and mentioned the sale consideration price as Rs.35,00,000/- (Rupees Thirty Five Lakh Only) Plus GST applicable. Only, at a pre-project launch price, in the company record. Not only that said Rohit in connivance with his wife Vanita Vishal, mother Rani, father-in-law Joginder Kumar, brother-in-law Suraj Vishal and sister-in-law Rubia Mushrat in order to make wrongful gains have received a sum of. Rs.5,00,000/- (Rupees Five Lakh) in the bank account no. 0242000100140017 of his mother Rani at PNB Bank on 28.04.2023, Rs.25000 (Rupees Twenty Five Thousand) on 27.04.2023 and Rs. 4,75,000/-(Rupees Four Lakh and Seventy Five Thousand Only) in bank account bearing no.17062191000757 of his father-in-law Joginder Kumar at PNB Bank and also received a sum of Rs. 12,00,000/-(Rupees Twelve Lakh Rupees) in Cash from said Jagjeet Singh, claiming to have received the said amount on behalf of for AGI Infra Ltd.. totaling to huge sum of Rs.22,00,000/-(Rupees Twenty Two Lakh), whereas the company had only received a sum of Rs.4,80,000/-(Rupees Four Lakh and Eighty Thousand Only) only. 6. That when said Rohit and his wife Vanita Visha were inquired about the same, the said person initially admitted their guilt and assured to pay/give all the embezzled amount to company, but later on said person started giving threats to harm themselves and implicate the directors of the company, in event they are asked/enquired about anything. 7. That said Rohit, his wife Vanita Vishal, mother Rani, father-in-law Joginder Kumar, brother-in-law Suraj Vishal and sister-in-law Rubia Mushrat had malafide. intentions and out of that the said persons in very well thought and planned manner and in active connivance with each other, have committed the said act of cheating, fraud and forgery and have embezzled huge amount in order to make wrongful gains and cause wrongful loss to the company. We are under apprehension that the said person might have cheated and defrauded the company not only on this occasion and for said amount, but also on several other occasions and for much huge amount. The bank accounts of all said persons and monetary transactions in the same may also be kindly checked and verified, to unearth the entire fraud and scam. It is therefore requested to your good self to kindly look into the matter and register FIR under



relevant provision of law, against said persons and all other persons involved with them in commission of crime and such person be deterred from taking law into their hands. Dated: 24/7/2023, Varinder Singh Project Director M/S AGI Infra Ltd., SCO no. 1-5, Urbana, Jalandhar Heights-II, 66ft Road, Pholriwal, Jalandhar (M)-9779935330 Rohit 76969-28152.'

Learned counsel for the petitioner contends that petitioner and his wife Vanita Vishal were called by police of P.S. Division No.5 at about 03.00 PM in connection to an inquiry, however, thereafter they were involved in a false case. He submits that nothing objectionable was recovered from their personal search or from the Aactiva and they were rather tortured and compelled to sign documents without reading its contents. It is further averred that the petitioner had even lodged a complaint against the complainant and its employees which has not been given any attention who are cheating the Government.

On the other hand, learned State counsel has submitted custody certificate dated 21.01.2025 which is taken on record, according to which, the challan in the present case was presented on 11.06.2024 and pursuant to framing of charges, out of 22 prosecution witnesses, only one witness has been examined till date. He also submits that the petitioner has undergone 9 months and 1 day of custody since his arrest on 16.04.2024. He vehemently opposed the prayer for grant of regular bail to the petitioner(s) on the ground that serious allegations have been levelled against him and other co-accused for committing fraud with company AGI Infra Ltd. and by embezzlement in the accounts of the company and the petitioner is a habitual offender with 10 more criminal prosecutions to his credit and



as such, he does not deserves to be granted the concession of regular bail.

Heard leraned counsel for the parties.

As can be seen the present FIR was registered against the petitioner-Rohit his wife Vanita Vishal, however, subsequently, the petitioner suffered a statement on the basis of which his father Piara Ram along with Kamal were arrayed as accused vide DDR no.36 dated 17.04.2024. There are serious allegations that the petitioner is the main accused and the mastermind of the whole bungling and he hatched conspiracy with other co-accused and played fraud upon the AGI Infra Ltd. - the complainant and its customers, a result of which a huge embezzlement with the accounts of the company to the extent running in lakhs of rupees were committed by them.

This Court also cannot be oblivious of the fact that there are four more FIRs registered against the petitioner involving similar offence and the nature of allegations are also similar, which shows that the petitioner and his family have been found involved in socio-economic crime and as such, they are habitual offender in cheating and duping the poor people of their hard earned money by getting transferred the amount from the customer in relation to purchase of flat and thereafter when no receipt was issued to the customer, it came to light that the petitioner deposited such amount and booked flats in the name of his family member, namely, Kamal and issued receipts in his name instead of the real purchaser. In the like manner, many such customers have been duped by the petitioner and his family members

and such allegations have been found to be substantiated during the investigation also.

In view of the above discussion, there is no valid ground before this Court to accede to the prayer of petitioner’s release on regular bail at this stage.

Dismissed.

However, anything stated hereinabove shall have no bearing on the merits of the case before the trial court.

(SANDEEP MOUDGIL)
JUDGE

22.01.2025
vishal

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