2025:PHHC:075978

234 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-23891-2025
DECIDED ON: 08.05.2025

DESH RAJ

.....PETITIONER

VERSUS

STATE OF HARYANA AND ANOTHER

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL.

Present: Mr. Baljeet Beniwal, Advocate,
Mr. Neeraj Chauhan, Advocate and
Mr. Akash Chauhan, Advocate
for the petitioner

Ms. Mayuri Lakhanpal Kalia, DAG Haryana

SANDEEP MOUDGIL, J

1. ***Relief***

The jurisdiction of this Court under Section 483 BNSS has been invoked 2nd time by the petitioner for the grant of regular bail to the petitioner in FIR No. 465 dated 01.08.2024 registered under Sections 420, 467, 468, 471 and 120-B of IPC, registered at Police Station Adarsh Nagar, Faridabad, District Faridabad.

2. ***Facts***

Prosecution story set up in the present case as per the version in the FIR reads as under :-

'Brief facts of this case are that present case was registered on the basis of complaint dated 2.4.2024 moved by one Yashpal Singh Tanwar alleging therein that he had retired as Superintending Engineer from Irrigation Department, Haryana and after the retirement, he had

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received many phone calls from LIC agent, property dealer and investment consultants etc. for investment of retirement benefits. One day he received call from Manish who introduced himself as Scientist working in Bharat Electronic Ltd. and also sent his appointment letter through whatsapp to him. He told that at present he is working on deputation on a secret mission with Shri Ajit Dobhal, NSA and there always remains threat to their lives, therefore, in order to compensate it, Government provides them property on subsidized rates and that he has taken a villa measuring 1100 sq.yards and a showroom in new staff colony of Bharat Electronics Ltd., the payment of which has to be made in installments. Manish further disclosed that there is another villa of 350 Sq.yards in the name of his brother Ashish and besides this, he had also purchased some more properties in Gurugram. Manish kept him calling again and again alluring and inducing him to invest the amount in said properties by becoming co-partner. He told that name of complainant shall be added as a co-borrower and for five years, properties will remain with Manish and after five years, said properties will be transferred in the name of complainant. In order to gain trust of complainant, Manish also connected him through video calls with his father Deshraj, mother Kamlesh, brother Ashish and his wife Sonam. He also shown all documents of said properties through video call. In this way, by believing the version of Manish, complainant starting investing his hard earned money in the properties and projects disclosed by Manish and in total Rs. 4,59,59,000/- was invested by him till the year 2022 as detailed in the complaint. Thereafter, when complainant demanded documents of said properties in which he has invested, Manish as well as his family members kept on dilly- dallying the matter on one pretext or the other. Being suspicious, when complainant verified in the builders offices, DLF office etc. he came to know that not even a single property was registered in the name of Manish. Complainant even talked to the family members of Manish but they were also found to be involved in criminal conspiracy with Manish and in this way, the entire hard earned money of the complainant was taken away by Manish and his family members. A penal action was prayed for against the culprits. Accordingly, on the basis of these facts, FIR in question was registered and law was set into motion.'

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3. **Contentions**

On behalf of the petitioner

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case and he has no connection or involvement with the alleged offence and that the allegations levelled against him in the complaint are baseless, frivolous, and motivated. He further submits that the only purported basis for implicating the petitioner is that that he is the father of the main accused, namely Manish.

It is contended that the petitioner has not signed any document nor has he entered into any financial transaction with the complainant at any stage. It has also been pointed out that the alleged amount received by the co-accused Manish has been duly disclosed in his income tax returns, thereby demonstrating transparency in the said transaction.

Learned counsel further argued that the petitioner is neither a beneficiary of the alleged offence nor has he forged or fabricated any document. The alleged incident pertains to the year 2019, whereas the FIR has been lodged only in the year 2024, with no explanation offered for the inordinate delay in registration of the FIR.

On behalf of the State

On the other hand, learned State Counsel appearing on advance notice, accepts notice on behalf of respondent-State and has filed the custody certificate of the petitioner, which is taken on record. According to which, the petitioner is behind bars for 8 months and 10 days.

Learned State Counsel on instructions from the Investigating Officer opposes the prayer for grant of regular bail stating that that petitioner has actively participated in the commission of offence with co-accused Manish and other family members and all of them were part of criminal conspiracy hatched by Manish. They argued that during investigation it revealed that the amount received by accused

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Manish in his accounts from the complainant was immediately transferred to the bank accounts of his father (present petitioner) and other family members through RTGS which is clearly proved from the bank statements.

4. **Analysis & Conclusion**

In everyday terms, the principle of law dictates that bail is the general rule, while jail is the exception. However, this Court acknowledges that the power to grant or deny bail is extraordinary and must be exercised with caution. It is well-established that when considering a bail application (whether pre-arrest or regular bail), the Court must form a *prima facie* opinion as to whether reasonable grounds exist to support the accusation, or if the accusation is frivolous and baseless possibly made with the intention of harming or humiliating the individual, or falsely implicating them in the crime. This evaluation must be conducted in light of the self-imposed restrictions and the broader legal parameters outlined.

As per the contents of the FIR, there are specific and direct allegations against the petitioner indicating his active participation in the criminal conspiracy hatched by his son/co-accused Manish. The bank account statements produced by the Investigating Officer clearly establish that the funds received by co-accused Manish from the complainant were, within a short span of one or two days, transferred to the bank accounts of his parents, including the present petitioner, and other family members. This financial trail strongly suggests the involvement of the petitioner in the conspiracy.

Furthermore, the investigation has revealed that the appointment letter allegedly issued by Bharat Electronics Ltd. showing co-accused Manish as a Scientist, as well as another letter purporting to show him on deputation with Shri Ajit Doval, NSA, on a secret mission, were found to be forged and fabricated documents. It appears that these documents were used as tools of deception in furtherance of the fraudulent scheme. The present petitioner, in active connivance with the main accused, is prima facie found to have aided in causing wrongful loss

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to the complainant by dishonestly inducing him to part with his hard-earned retirement funds.

Additionally, the custody period suffered by the petitioner is not sufficient and charges are yet to be framed.

In light of the aforementioned circumstances, particularly the petitioner's role in causing the loss to the complainant, no ground is made out for granting the relief of regular bail at this stage. Accordingly, the present bail application is dismissed for lack of merit.

(SANDEEP MOUDGIL)
JUDGE

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

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