2025:PHHC:103461

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

SR. NO.101

CRM-M-48978-2023
DATE OF DECISION:22.07.2025

DHEERAJ KUMAR

…PETITIONER(S)

VERSUS

STATE OF HARYANA

...RESPONDENT(S)

CORAM: HON'BLE MR. JUSTICE N.S. SHEKHAWAT

Present: Mr. Ankush Singla, Advocate
for the petitioner.

Mr. Rajiv Sidhu, Sr. DAG, Haryana.

Mr. Ramdeep Partap Singh, Advocate
for the complainant.

N.S. SHEKHAWAT, J.

1. The petitioner has filed the present petition under Section 438 Cr..P.C for grant of concession of anticipatory bail to him in case FIR No.170 dated 08.06.2023 registered under Sections 120-B/406/420/467/468/471 IPC at Police Station City Ratia, District Fatehabad,

2. The FIR in present case was registered on the basis of a complaint, which was initiated by Gagandeep Singh, an official posted at Risk control Unit (RCU), Bajaj Finance company, Hisar. As per the complainant, on 8.2.2019, an affidavit was executed between the Bajaj Finance company and the Firm i.e. M/s Five Star Imports, Ratia, District Fatehabad. Dheeraj Kumar, the petitioner, was the proprietor of the Firm

M/s Five Star Imports, Ratia. As per the said agreement, in case any customer purchased electronic items and furniture from the shop of the petitioner on loan through Bajaj Finance company, the said articles/items would be supplied to him at his home. Even Narender Pal Singh, co-accused, was deputed at the Firm of the petitioner to check documents and to apprise customers, as per the direction of the company and then he had to upload the online live photograph. However, Dheeraj Kumar, being the proprietor of the Firm M/s Five Start Imports, his servant Jagmeet Singh @ Jaggi and certain employees of Bajaj Finance Company, namely Narender Pal Singh, Mukesh Kumar, Anil Goel and Manoj Kumar hatched a criminal conspiracy and in consequence of the same, prepared fake and forged Aadhar Cards of Amandeep etc. and had shown Amarjit Singh and Baljit Singh alive. By misusing the forged documents and by preparing the bills of goods, the same were sent to the company without verification. The petitioner as well as certain employees of Bajaj Finance company had embezzled loan amount of Rs.72 lacs, of about 148 customers of the company. Broadly with these allegations, the FIR was got registered by the complainant against the petitioner i.e. the main accused and other accused, who had joined hands with the petitioner.

3. Learned counsel for the petitioner contends that the petitioner is running his firm M/s Five Star Imports since July, 2016. In February/ March, 2019, the officials of Bajaj Finance Ltd. approached the petitioner and sought his permission to set up a counter in his shop, where they would provide loan facilities to the customers. The electric items available in the shop of the petitioner were to be supplied to such customers, who would avail loan facility from Bajaj Finance Ltd. and the payment in this regard

was to be made by Bajaj Finance Ltd. The petitioner had no role in getting the loan requests/ applications processed as Bajaj Finance Ltd had appointed its own agents permanently in the shop of the petitioner, who were supposed to manage the counter. Apart from that, the senior officials of the company used to supervise the working of their agents. In March/April, 2023, certain customers started complaining about the working of the Bajaj Finance Co. and their sales executives on the ground that forged and fabricated documents were used, while processing the loan applications. Thus, the senior officers of the Bajaj Finance Ltd. had shifted the burden on the petitioner, in order to save their employees, who were posted at the shop of the petitioner. Even learned counsel denied the execution of any dealer empanelment agreement dated 8.2.2019 (Annexure P-2).

4. Learned counsel further submits that the petitioner has also moved various representations to the concerned SHO, but no investigation has been conducted in the submissions made by the petitioner. Even the FIR has been lodged with an oblique motive to harass and pressurise the petitioner and no offence is made out against the petitioner. Apart from that, from the so called agreement (Annexure P-2), it is apparent that both the parties had agreed to refer the matter of dispute to arbitration proceedings, which were to be conducted in accordance with the provisions of Arbitration and Conciliation Act. Thus, a civil dispute has been wrongly converted in a criminal offence, which is impermissible in law.

5. On the other, learned State counsel assisted by learned counsel for the complainant have vehemently opposed the submissions made by the learned counsel for the petitioner on the ground that the petitioner had hatched a criminal conspiracy with the employees of the Bajaj Finance

Company, who were posted at the shop of the petitioner. They forged and fabricated the documents and embezzled money from 148 customers of the company by showing fake loans of Rs.72 lacs. Even in compliance of the interim order dated 28.2.2024, the petitioner was permitted to join the investigation and he disclosed to the police that he had committed fraud with 148 customers by preparing their fake loan accounts and had misappropriated an amount of Rs. 72 lacs. Even he got recovered an amount of Rs.2.75 lacs, which was still kept by him out of the total cheated amount.

6. Learned State counsel further submitted that the petitioner and his co-accused had forged and fabricated the documents relating to loan accounts and even the dead persons were shown alive illegally. Even an additional affidavit dated 13.03.2024 was filed by DSP, Fatehabad, wherein a detailed account of all the loan accounts was submitted before this Court. Thus, keeping in view a large scale of fraud and the serious allegations against the petitioner of commission of fraud with 148 customers of Bajaj Finance Ltd , the present petition deserves to be dismissed.

7. I have heard learned counsel for the parties and perused the record.

8. From the perusal of the record, it is apparent that the petitioner had signed a dealer empanelment agreement dated 8.2.2019 with Bajaj Finance Ltd and in terms of the said agreement, certain officials were deputed at the shop of the present petitioner. Even during the pendency of the present bail petition, learned State counsel has placed on record various details of the loan accounts to show that the forged and fabricated documents were attached with the applications processed by the employees/co-accused of Bajaj Finance Ltd, in conspiracy with the present

petitioner. Even the fraud has been played with 148 customers of the company and the loan amount of Rs.72 lacs has been misappropriated by the petitioner and his co-accused. Thus, in the considered opinion of the Court, the custodial interrogation of the petitioner would be required to ascertain the names of the officials of the Bajaj Finance Ltd, who are involved in the crime along with the petitioner. Apart from that, the police has to collect all the forged and fabricated documents and other relevant records from the present petitioner, which would be required for taking the investigation to its logical end. Further, it is an economic offence, involving the large scale cheating by the present petitioner and his co-accused and the petitioner does not deserve the discretionary relief of anticipatory bail.

9. In view of above discussion, the present petition is liable to be dismissed, being devoid of any merits.

Ordered accordingly.

(N.S. SHEKHAWAT)
JUDGE

22.07.2025
mks

Whether Speaking/Reasoned: YES / NO
Whether Reportable: YES / NO