



CRM-M-57942-2024

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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH
276 CRM-M-57942-2024
Date of decision: 17th January, 2025

Dinesh Saxena

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Rishu Garg, Advocate for the petitioner.

Ms. Swati Batra, Deputy Advocate General, Punjab.

Mr. Garuav Aggarwal, Advocate for the complainant.

MANISHA BATRA, J (ORAL):-

Present petition has been filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') seeking anticipatory bail to the petitioner in case FIR No. 136 dated 08.08.2024 registered under Sections 420, 406, 408, 381 and 120-B of Indian Penal Code, 1860, at Police Station Civil Lines Patiala, District Patiala.

2. Brief facts of the case relevant for the purpose of disposal of this petition are that the aforementioned FIR was lodged by Pargat Singh, working as Floor Manager at Tanishq Jewellers, Bhadson Road, Patiala, on the allegations that the present petitioner who was previously working with Tanishq Jewellers and had left his job in November, 2023, had connived with the co-accused Gurinder Singh, who was working at the same place and both of them had usurped the money received from the customers of Tanishq Jewellers, who used to deposit the same under kitty scheme, by generating fake UPI numbers and giving false receipts qua receiving money from such



customers but without depositing such amount of money with the Tanishq Jewellers. This fact came to the notice in June, 2024, when the accused Gurinder Singh had tried to get receipt regarding payment of money to a kitty member and on inquiry, it was found that no such money was deposited. It was also revealed that wrongful loss to the tune of Rs. 41,35,000/- was caused by the petitioner and the co-accused. They were nominated as such. Apprehending his arrest, the present petitioner moved an application for grant of pre-arrest bail which was dismissed by the Court of learned Additional Sessions Judge, Patiala vide order dated 29.10.2024.

3. The present petition has been filed by the petitioner on the grounds and it is argued by his counsel that he had left the job with the Tanishq Jewellers in November, 2023 and had been falsely implicated in this case. No specific act has been attributed to him. The occurrence took place in June, 2024 much after his leaving employment. The matter was reported to the police after substantial delay. Even thereafter, the delay in lodging of the FIR has not been explained. His custodial interrogation is not required. He is ready to join the investigation. No recovery is to be effected from him. Therefore, it is urged that he deserves to be extended benefit of anticipatory bail.

4. Status report has been filed by respondent-State. Learned Deputy Advocate General, Punjab has vehemently argued that there are serious allegations against the petitioner as he was posted as cashier with the Tanishq Jewellers. During his service period, a scheme was launched by the Tanishq Jewellers, as per which the members of the scheme(*kitty*) used to deposit their money every month with the Tanishq Jewellers and get money



or gold after the end of the scheme as per their wish. The co-accused used to collect the money from the members who opt to pay from their homes. He used to give the collected cash on daily basis to the present petitioner who being cashier had access to all login passwords. Both of them in-connivance with each other used to fill fake UPI numbers in the portal and give print out thereof to the members without actual depositing any money in the account of Tanishq Jewellers. The complicity of the petitioner has *prima facie* been established his custodial interrogation is must for conducting thorough investigation of the matter. No extra ordinary circumstance making him entitled to seek concession of anticipatory bail is made out even otherwise. Therefore, it is urged that the petition does not deserve to be allowed.

5. I have heard learned counsel for the petitioner as well as learned State counsel at considerable length and have gone through the record carefully.

6. The petitioner in-connivance with the co-accused is alleged to have duped Tanishq Jewellers, Patiala and its kitty members, of huge amount of money and have caused wrongful loss to them by usurping the said money themselves and by issuing fake UPI receipts. The allegations against the petitioner are obviously serious in nature. The custodial interrogation of the petitioner is required for eliciting the truth and the manner of committing subject offences as well as for conducting thorough investigation in the matter and to elicit information as to the *modus operandi* adopted by the petitioner and co-accused for committing theft. It is well settled that custodial interrogation of a suspected person is qualitatively more elicitation oriented than questioning a suspect who is well ensconced



with a favourable order of anticipatory bail. Many useful information can be disinterred during custodial interrogation. Moreso, no exception or extraordinary circumstance warranting exercise of powers for grant of pre-arrest bail is made out in this case. Keeping in view the nature of the subject offences and the role attributed to the petitioner and for the purpose of eliciting the truth, I am of the considered opinion that he does not deserve to be extended benefit of pre-arrest bail. Accordingly, the petition stands dismissed.

7. It is, however, clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

8. Since the main petition has been dismissed, pending application, if any, is rendered infructuous.

[MANISHA BATRA]
JUDGE

17th January, 2025

Parveen Sharma

1. Whether speaking/ reasoned	:	Yes / No
2. Whether reportable	:	Yes / No