



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-26319-2025
DECIDED ON: 14.05.2025

SURESH KUMAR

.....PETITIONER

VERSUS

STATE OF HARYANA AND ANOTHER

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Sumit S. Bairagi, Advocate for the petitioner.

SANDEEP MOUDGIL, J (ORAL)

1. **Relief sought**

The jurisdiction of this Court has been invoked under Section 482 BNSS, 2023 read with Section 528 of BNSS for grant of pre-arrest/anticipatory bail to the petitioner in FIR No. 0040 dated 27.2.2025, under Sections 420, 406, 408, 120-B IPC & Section 3 of The Haryana Protection of Interest of Depositors in Financial Establishment Act, 2013 & 21, 23 of Banning of Unregulated Deposit Schemes Act, 2019, Police Station Sanoli, District Panipat (Haryana).

2. Prosecution story setup in the present case as per the version in the FIR as under:-

“To SP Sahab ji, Panipat, Haryana. Subject- Human Welfare Credit and Thrift Multi State Society, officials and branch director, others have committed fraud, forgery, cheating of Rs 8,80,500/- on deposit schemes. Sir, my name is Rajbir son of Shri Ramkishan, age 34 years, resident of village Kurad, Tehsil Bapoli, District Panipat. Through this letter, I want to lodge a complaint against the above society and the owners, managers, chairman and its branch director for 7-8 years Suresh Pehalwan resident of village Kurad, others that

all the above have not paid the amount of my deposit investment. No concrete answer is being given on repeated contact with the higher officials. For the last 6 months, we were kept in faith in the name of software update, sending money directly to the bank account and were assured that your deposit amount will be paid directly to your bank account with fixed interest. But No payment has been made by the society and its directors till now. Suresh branch director Deepak got a slip from the staff in which I was given a deadline of 15 October 2024, after which they are delaying it by giving me time after time. My passbook was a copy in the name of Rajbir son of Ramkishan, who is the Vikas Nagar Karnal branch director Satish son of Rameshwar. There are other societies which are functioning in different states, it has ATMs approved by RBI and it gives loans etc. Accounts were opened in FD, RD, SUKANYA YOJNA and many other schemes but now the branches and officers are making me run around citing their software being shut down, neither the amount is being deposited nor the money is being returned. You are requested to please get my money back by taking appropriate action. I shall be grateful to you all my life. Applicant Rajbir son of Shri Ramkishan resident of village Kurad, District Panipat MOB. 9896898479 Action taken by Police-Complaint No. 425-SPR DATED 06.02.2025, after investigation of the photocopy of the statement of the complainant, it was found that the complainant Rajbir had started depositing an RD of Rs. 3000/- per month in the branch of HUMAN WELFARE CREDIT THRIFT CO-OPERATIVE SOCIETY LIMITED company, Jhamba Mode, Sanoli, which was kept by the branch manager Suresh after completion. The manager has not given the money to the complainant. After that, in the year 2021, the complainant made 2 FDs, one of which was of Rs 1 lakh whose policy number was 07HFB2DF680 and the second was of Rs 150000/-whose account number is 1086A6F64D7. The complainant Rajbir has a 2-year-old daughter, in whose name the complainant started depositing Rs 6000/- per month in Sukanya Yojana from the same Sanoli branch in 2022, which the complainant decided to stop after paying 3 installments. Secondly, Rs. 3000/- per month was deposited in Sukanya Scheme, whose policy number is 04H5E 4CB6B6. Thereafter, on the request of the complainant, his brother-

in-law Ashok invested about Rs. 2.25000/-in FD and RD in Suresh Pehalwan Suvidha Kendra in Sanoli branch and two friends of the complainant also invested a lot of money in it. On completion of one RD of the complainant, the complainant went to manager Suresh Kumar, showed his pass book to Suresh Pehalwan and asked for his maturity money, then Suresh Kumar Pehalwan told the complainant to right now call the society's APP. There is something wrong, you will get the money after some time. HUMAN WELFARE CREDIT THRIFT COPRATIVE SOCIETY LTD Sanoli Branch manager Suresh Kumar Pehalwan and society chairman Sameer Agarwal, RK Sethi, Pankaj Agarwal, Shavaab Hussain, Sanjay Modgil, Akash Shri Vastav, Pappu Sharma resident of Panipat and Vijendra Singh Ruhai resident of Machroli Panipat and others, together with making the complainant and many other people deposit the money in the company and on maturity completion cheating the investors by not returning the money and closing the office, have committed a crime by cheating the investors. It has been found to be the case under Section 406,408,420, 120 B IPC 3 Haryana Protection of interest of Depositors in Financial Establishment act 2013 21,23 Banning of Unregulated deposit act 2019. Today, after receipt of application 425-SPR dated 06.02.2025 from Investigation Incharge Special Detective Unit, Panipat at the police station, Case No. 40 dated 27.02.25 under Section 406,408,420,120 B IPC 3 Haryana Protection of interest of Depositors in Financial Establishment act 2013 21,23 Banning of Unregulated deposit act 2019 at Police Station Sanauli, Panipat was registered and computer copies of the FIR were prepared. The copy of the original application along with investigation report was handed over to ASI Shishpal 168 for further action. The remaining FIR will be sent to Bajarria Post Officer Bala. The First Information Report was registered in the presence of ASI Pradeep 48”

3. Contention

On behalf of the petitioner

Learned counsel for the petitioner contends that a compromise has been amicably effected between the petitioner and the complainant

namely Rajbir and no grievance now remains between them. He further contends that the complainant has categorically acknowledged that the petitioner is not the beneficiary of any alleged fraud and has no intention to pursue the matter further, as is evident from Annexure P-3. It has been further contended that the petitioner himself is a victim of the fraudulent acts committed by the Human Welfare Credit and Thrift Cooperative Society Limited and has suffered a financial loss of money. Moreover, co-accused namely Bijender Singh has already been granted the concession of anticipatory bail by this Court vide order dated 03.04.2025 (Annexure P-5) passed in CRM-M-18461-2025. The petitioner is ready and willing to join the investigation and cooperate with the investigation officer concerned, as has been undertaken before this Court by learned counsel for the petitioner.

Notice of motion.

On behalf of the State/complainant

On the asking of the Court, Mr. B.S. Virk, Sr. DAG, Haryana accepts notice on behalf of the respondent-State and Mr. Vikram Rana, Advocate has put in appearance on behalf of the complainant and filed his Power of Attorney, which is taken on record, who do not controvert the aforesaid facts as has been argued by learned counsel for the petitioner and admit the factum of compromise arrived between the parties.

4. **Analysis**

Be that as it may, considering the facts that a compromise has been amicably entered between the petitioner and the complainant namely Rajbir and no grievance now remains between them, wherein the complainant has categorically acknowledged that the petitioner is not the beneficiary of any alleged fraud and has no intention to pursue the matter

further, as is evident from Annexure P-3; the petitioner himself is a victim of the fraudulent acts committed by the Human Welfare Credit and Thrift Cooperative Society Limited; co-accused namely Bijender Singh has already been granted the concession of anticipatory bail by this Court vide order dated 03.04.2025 (Annexure P-5) passed in CRM-M-18461-2025; no incriminating material has been put forth by the prosecution to connect the petitioner with the alleged fraud as well as considering the undertaking given before this Court by learned counsel for the petitioner that the petitioner is ready and willing to join the investigation and cooperate with the investigation officer concerned.

5. **Relief**

In the light of above, the petitioner is directed to be released on anticipatory bail subject to his joining investigation with the Investigating Officer concerned within a period of one week from today, on furnishing of personal/surety bonds to his satisfaction. The petitioner shall also abide by the terms and conditions as envisaged under Section 482(2) of BNSS, which are reproduced below:-

‘When the High Court or the Court of Session makes a direction under sub-section (1), it may include such conditions in such directions in the light of the facts of the particular case, as it may think fit, including-

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court;

(iv) such other condition as may be imposed under sub-section (3) of section 480, as if the bail were granted under that section.'

However, it is made clear that in case the petitioner does not comply with the aforesaid direction of joining the investigation within a period of one week, the order passed by this Court today shall automatically stands cancelled.

In the aforesaid terms, the present petition stands allowed.

(SANDEEP MOUDGIL)
JUDGE

14.05.2025

Poonam Negi

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No