CNR No: PBJL010048542024 **CIS No: BA/1563/2024**

GAURAV SHARMA VS STATE OF PUNJAB etc.

Present: Sh. Dashwinder Singh Adv. counsel for the applicant/accused
Sh. Gagandeep Addl. PP for the state.

1. Heard on the first bail application filed on behalf of applicant/accused for grant of regular bail in FIR No.113 dt.02.08.2023., U/S 380,406,420,120-B, 411,201 of IPC, PS Division No.7, Jalandhar, whereby it is submitted that the applicant/accused is innocent and has committed no offence, but have been falsely implicated in this case and that the complainant has moved a complaint on dt.29.3.2023 against Gopal Krishan Manchanda, owner of M/s Manchanda Enterprises, son of Shri Gopal Krishan Manchanda, Gaurav Sharma/applicant, Monika Rani, Rahul Arora & Harry Srivastav for registration of a criminal case u/s 406, 420, 120-B IPC, whereby the complainant specifically made allegations against Gopal Krishan Manchanda, owner of M/s Manchanda Enterprises and his son that the complainant has paid Rs.20 lakhs to them for renovation work of his house. The accused/applicant was employee of the said Gopal Krishan Manchanda and he has never taken any amount from the complainant and that the services of the accused/applicant were hired as one of the worker by the said Gopal Krishan Manchanda for carrying on the renovation work. It is further averred that the police of PS Division No.7 have not registered the FIR against the Gopal Krishan Manchanda and his son, they being influential persons, whereas, the entire amount was paid to them by the complainant. The Police of PS Division No.7 has registered the FIR against the accused/applicant and three other persons. The co-accused Monika Rani is already on bail and other two accused

have been declared as innocent by the police. The accused/applicant is already in police custody for the last about 8 months and that the challan in the above noted case has been presented and the applicant/accused will abide by all the terms and conditions that may be imposed by the Court while granting the concession of bail. Accordingly, prayer is made for allowing the present bail application

2. Upon notice Ld. Addl. PP for the State put in appearance on behalf of the State although reply to the bail application is not intended to be filed by the State but the said petition is hotly contested by the Ld. Addl. PP for the State and the contention of Ld. Addl. PP for the State is that the accused has committed grievous offence and regular bail should not be granted to the applicant/accused as it may hamper the Inquiry/investigation. Accordingly, request is made for dismissal of the present bail application.

3. After considering the rival contentions of learned counsel(s) for the accused/applicant as well as Ld. APP for the State, this court is not convinced with the submissions of learned counsel for the applicant/ accused for the reasons to be recorded hereinafter.

4. Brief facts of the present case are that, the present FIR was registered on the statement of one Sukhbir Kaur d/o Gurdev Singh against the accused/applicant and other other persons (non applicants), with the allegations that the applicant is an NRI and holding Australian Passport and that applicant wanted to get renovated her Flat and her relative proposed the name of Gopal Krishan Manchanda for renovation purpose. In December, 2018, the applicant approached Gopal Krishan (non

applicant) and told him about renovation and that she (complainant) visited the show room of the said Gopal Krishan. During such visits, he further introduced the complainant to Gaurav Sharma (present applicant/ accused) for handling the assignment. They have given the rough estimate to the tune of ₹20 lakhs for renovation. The complainant paid the said amount of Rs.20 Lakhs to the them on various dates through various modes like cash, credit card, banking channel and western union and they sent the present applicant/accused to the Flat where the complainant stayed and that they were doing very slow work and when the complainant asked them to accelerate the work, Gaurav Sharma won the confidence of the complainant and told her not to worry as he has political links with Deputy Chief Minister of Delhi. The complainant left from India to Australia on 30.01.2019 and handed over the keys of the flat to the applicant/accused -Gaurav Sharma, while leaving the flat, four suit cases of applicant containing gold jewelry like gold bracelets, two gold chain, two gold rings, etc and other valuable documents like sale deed etc. were there and in good faith the complainant left for Australia and she remained in touch with Gaurav Sharma and he told the complainant that Gopal Krishan Manchanda was neither providing material nor money to buy the material. Thereafter, Gaurav Sharma asked the complainant Sukhbir Singh to directly send money to his account number. On his asking she transferred the money to him on different dates. When they noticed that the complainant is financially sound accused Gopal Krishan Manchanda, his son and present applicant/accused made a plan to cheat and defraud the complainant. It is further averred that they have received

₹20,00,000/- from the complainant for renovation, but despite having received the money, they did not carried renovation. It is further averred that Gaurav Sharam (present applicant/accused) induced and allured the applicant to arrange Government Contracts for her in case, she wants to invest money in the said deal. He further assured to the complainant that she had only to invest money and all other things and infrastructure shall be provided by them. The accused also assured the complainant to arrange Coke and Red Bull Agencies in Dalhousie. Shimla, Dharamshala, Jalandhar and Ludhiana provided the applicant could arrange a sum of Rs.4 Crores and he further told the applicant that some of the amount shall have to be paid off the record to different agents. Then Gaurav Sharma also arranged a talk with Rahul Arora and Harry Shrivastava as they had good relations with Deputy Chief Minister of Delhi and he would arrange all the contracts. The applicant also had a talk with the accused Gaurav Sharma, who always talked with the complainant through whattsapp calls and the applicant succeeded in recording some of the chats and other evidence made by him. The applicant had total paid ₹2.25 to 2.5 crore through different modes, like cash, credit card bank transactions, western union etc. Later on coming to know about the valuable things of the complainant in her flat i.e. containing gold and one 1 Pad, original valuable documents imported clothes etc. were misappropriated by the accused herein. Gaurav Sharma had given the account details of Monika Rani (non applicant) alleging her to be his wife and asked the complainant to transfer money in her account with State Bank of India. He also gave account number of Rahul Arora (non applicant) and the complainant also transferred certain amounts in that bank accounts. Bank details of all the accused persons are mentioned in the copy of the complaint. It is further averred that on coming to know about this fact, the complainant tried to contact Gopal Krishan Manchanda (non applicant) and Gaurav Sharma, who stopped picking up phones of the applicant. Accordingly, request was made for taking legal action against them.

5. Although, it is argued by the ld. Counsel for the accused that the main allegations are against the Gopal Krishan Manchanda and his son (non applicants) and that the accused was simply working as contractor under them for renovating the house of the complainant but keeping in view the totality of the facts of the present case, and the serious allegations leveled by the complainant against the present accused and the specific stand of the prosecution, whereby, it is the case of the prosecution that from 02.02.2019 till 03.02.2023 the accused herein has received a total sum of ₹1,75,70,275/- from the complainant in his account through Western Union or other modes and no explanation has come forward from the accused side as to how and under what circumstances such an huge amount was received by the accused from the complainant. As discussed earlier, serious allegations have been levelled by the complainant against the present accused as well as against other persons, whereby, it is specific case of the prosecution that the accused No.3 i.e. Gaurav Sharma induced and allured the applicant to arrange Government Contracts for her in case, she was ready to invest money in the said deal. He further assured that the complainant had only to invest money and all other things and

infrastructure shall be provided by them. The accused also assured the applicant to arrange Coke and Red Bull Agencies in Dalhousie. Shimla, Dharamshala, Jalandhar and Ludhiana provided the applicant could arrange for a sum of Rs.4 Crores. The accused No.3 also told the applicant that some of the amount shall have to be paid off the record to different agents. The accused No.3 also arranged a talk with the accused No.5 and the accused No.3 further assured that the accused No.6 had good relations with Deputy Chief Minister of Delhi and he would arrange all the contracts. The applicant also had a talk with the accused No.6 on his phone and he also assured that he had links with Deputy Chief Minister of Delhi.

6. Keeping in view the totality of the facts of the case, and the gravity of the offence allegedly committed by the accused, this Court is of the opinion that the present applicant/accused is not entitled to concession of regular bail in the present case. Accordingly, the present bail application filed by the accused/applicant is hereby dismissed.

7. However, anything observed by this Court while deciding the present bail application will not be construed as any expression of opinion on the merits of the main case. The present bail application file be consigned to the records.

Pronounced in the open Court
Date of Order: 05.04.2024
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(K.K.Jain) UID No. PB0163
Addl. Sessions Judge
Jalandhar