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\* IN THE HIGH COURT OF DELHI AT NEW DELHI  
+ BAIL APPLN. 2800/2014  
VINEET JAIN

Through: Mr Gaurav Kakar and Ms Bhawna Chopra, ..... Appellant  
Advts.

versus

STATE

Through: Mr O.P. Saxena, ..... Respondent  
Prosecutor for the State

CORAM:  
HON'BLE MS. JUSTICE SUNITA GUPTA

ORDER

% 30.01.2015

By virtue of this application under Section 438 of Cr.PC, the petitioner – Vineet Jain is seeking anticipatory bail in case FIR No. 136/2012 under Sections 406/420/506/120B/34 IPC registered at Police Station Madhu Vihar, Delhi.

The FIR in the instant case was registered on the complaint of Smt. Kusum Sharma wherein she alleged that Raj Kumar Jain, Director of M/s PRJ Enterprises Ltd. (for short, 'PRJ') and his associates induced her that his company has entered into a contact with MCD, Delhi and as per the agreement his company was allotted a contract from MCD to provide the garbage-lifting tipper/vehicle/three wheeler hydraulic tempo. However, his company was not having sufficient number of tippers/vehicles. So, he approached the complainant to engage a tipper against his name in his company and in lieu of the said tipper, his company would provide a fixed amount of Rs.14,000/- per month for the period of three years. On his inducement, the complainant paid a total sum of Rs.3.60 lac for purchasing of tipper in his name. An agreement between PRJ and the complainant was made, but the vehicle was not purchased by the accused persons. A total sum of Rs.89,000/- approximately was paid to the complainant to gain her faith but thereafter no payment was made and the accused persons misappropriated the money invested by the complainant.

It is submitted by learned counsel for the petitioner that the petitioner is only a director in the company; besides that he has no role to play. He is not even a shareholder

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in the company. The petitioner is not even a party to the agreement allegedly entered into by the company and the complainant. Even no cheque has been signed by him. The entire allegations are qua R.K. Jain, who was granted anticipatory bail in this case, however, he has been arrested in another case. After filing of this petition for grant of anticipatory bail, he was granted interim protection and was directed to join investigation. He sent a letter to the Investigating Officer offering himself to join investigation, but he was never called which shows that his custodial interrogation is not required. The petitioner is still ready and willing to join investigation as such he be released on bail.

The application is vehemently opposed by learned Additional Public Prosecutor for the State. It was submitted that the investigation reveals that PRJ entered into a contract/agreement to provide vehicles for lifting garbage from MCD wards. After that PRJ made several contracts with general public. Later on, the directors did not comply the terms of the contract as such MCD terminated the contract. After termination of the contract, PRJ defaulted in paying the amount to the victims. They neither returned the amount nor the vehicles to the victims. This indicates their intention of collecting funds from the general public and then usurping the same. As per the investigation carried out till date, there are 105 investors who invested in PRJ. In some cases, even the vehicles were not purchased by PRJ, but an amount of Rs.3.60 lac each as costs of vehicle was taken from the victims. In some cases, vehicles were purchased but the same were not returned to the investors and when they demanded the same from PRJ, they declined. The criminal record of the directors was filed to show that they are involved in two other cases besides the instant case. The total number of victims who has been defrauded is 105 and the victims have been cheated to the extent of Rs.5,61,60,000/-. The detailed list of investors/victims have also been annexed as Annexures – B, C and D. It is further submitted that the accused – Vineet Jain (present petitioner) was the director of the accused company as per the Registrar of Companies. Although he had joined investigation but he did not cooperate in the same. He did not disclose the facts regarding MCD's Tipper Scheme nor did he disclose the trail of cheated money. The documents regarding auto tippers scheme are yet to be recovered. This is a multi-victim case. Accused persons induced the victims for investing in the company with the assurances of

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giving handsome returns and therefore custodial interrogation is required for establishing the criminal conspiracy.

As regards the other FIRs in which the petitioner is wanted alongwith co-accused, it is submitted that separate FIRs could not have been registered as all the investors/complainants were allegedly cheated in pursuant to a single conspiracy which constitutes the same transactions. Reliance was placed on an order dated 30.08.2012 passed by this Court in CrI. MC No.1369/2010.

It is not in dispute that the petitioner is a director of PRJ. It is also not in dispute that PRJ entered into an agreement with MCD in the year 2009 for supply of tippers to MCD by virtue of an agreement dated 10.03.2010. In the bail application itself, it is stated that the agreement entered by PRJ was a large-scale work and involved deployment of 125-150 tippers alongwith manual labours for picking up the garbage / wastage from various colonies and that in order to meet the business and contractual obligations, R.K. Jain (father of the petitioner) entered into various contacts with private investors in the form of Hire-Purchase-Agreements under a tentative scheme drawn and floated by him. A large number of people who were interested in the offers of deployment of tippers approached Mr R.K. Jain and entered into various agreements with the company. However, it is alleged that with the cancellation of the contract with MCD, business of the company came to a standstill due to which the company came under a lot of financial distress. Mr R.K. Jain entered into various settlement agreements with the investors and issued cheques to them for settlement of dues, however, the cheques were dishonoured due to lack of funds. The averments made in the bail application reflect that the averments made in the complaint are admitted, however, the only plea taken by the petitioner is that he was never involved in the entire transaction and it was done by his father Mr R.K. Jain as he was not involved in the business of the company and is also not even a shareholder of the company. Learned Additional Public Prosecutor for the State has placed on record the statements of complainant – Smt. Kusum Sharma and Smt. R. Sharma recorded under Section 161 Cr.PC wherein they have stated that in connection with the agreement they used to visit the office of PRJ. In the absence of Mr R.K. Jain, Vineet Jain (petitioner) and Vineet Lal used to meet them and inform about the scheme

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which shows that the petitioner was actively involved in the entire scheme. A number of investors have been duped by the company of which the petitioner is one of the directors.

Under the circumstances, it is not a fit case for grant of anticipatory bail. The application is accordingly dismissed. The interim protection granted to the petitioner on 24.12.2014 and extended thereafter stands vacated.

The bail application stands disposed of accordingly.

*Sunita Gupta*  
SUNITA GUPTA, J

JANUARY 30, 2015/*rd*