

In the court of C.B.I. 2, Jaipur

Presiding Officer: Harion Sharma "Attri"

Bail application no.:01of 2017

In the matter of:

Himanshu Verma son of Sh. Kanwar Ajay Verma aged about 31 years, resident of H.No.1016,Gali No.10,Gurbux Colony, Patiala, Punjab.

.....Petitioner/Accused

versus

Central Bureau of Investigation through special public prosecutor

.....Respondent

Bail application U/S 438 of the criminal procedure code for grant of anticipatory bail in case FIR number CBI/RCBD/2016/E/0002 under section 420, 468, 471, 472, 474, 120 B IPC read with section 13(2) and 13(1) of prevention of corruption act 1988.

Present :

Sh. Pekar Faruqe Advocate for Petitioner/Accused with
Sh.R.K.Naroola & Sh.Udyan Mukerjee advocates

Sh.R.S.Meena Sr. Public Prosecutor for CBI



Dated 20/01/2017

1. That the instant bail application has been preferred by the accused Himanshu Verma for the grant of anticipatory bail.

2. That brief facts of the case are that the CBI has registered the instant F I R under section 120 B read with section 409, 420, 467, 468, 471 and section 13(2) read with section 13(1)(c & d)

मुद्रा प्रतिलिपि
प्रतिनिधि नारा (जकेस)
जिसा एवं शैल नारा
जयपुर महानगर
20/1/2017
विशेष न्यायाधीश
सी.बी.आई.-2, जयपुर

of Prevention of Corruption Act 1988 against numerous persons named in the FIR. The matter pertains to a criminal conspiracy hatched by accused persons in the 3 branches of syndicate bank in five years whereby the accused persons managed the discounting of fake cheques and fake bills and further managed the overdraft against forged LIC policies and caused wrongful loss to the syndicate bank to the tune of Rs. 1055.78 crores and caused a wrongful gain to the self. CBI has filed the chargesheet against 5 accused persons namely C.A.Bharat Bomb, Real Estate Developer Shanker Khandelwal, Bank Manager Santosh Kumar Gupta and his wife Usha Gupta and Vipul Kaushik. All the accused persons except Usha Gupta is in judicial custody. Usha Gupta has not surrendered before this court after dismissal of her anticipatory bail application by the Hon'ble High Court.

3. That the Ld. counsel for the petitioner has raised the argument that petitioner is not remotely involved in the alleged offence. He submits that conspiracy in the matter has been hatched by the main accused Bharat bomb and his close associates along with bank officials. There is no whisper of allegations against the petitioner for any minor role in the conspiracy. Ld. counsel submits that rather the petitioner is a victim at the hands of main accused in the offence namely Bharat Bomb.

4 That Ld. counsel submits that petitioner owns a company Navrattan free power Corporation limited, Patiala which has been subsequently named as Navrattan Green Power Company. Company has its registered office at Datter complex, income tax office road, Leela Bhavan, Patiala. This company is involved in the manufacturing and marketing of cement. This cement is an environment friendly product and is patented in

America. Petitioner is the director of this company. Sh. Daniel Banties is his partner in the business. The partnership deed between petitioner and Mr. Daniel was prepared by the chartered accountant Deepak Parihar. This chartered



मुख्य न्यायाधीश
प्रतिनिधि न्यायाधीश (अधीनस्थ)
जिला एवं सेशन न्यायाधीश
अधिवक्ता महाधायक

01/12/2017
श्री श्री जज - 2 अदालत

accountant Deepak Parihar has been associated with the work and profile of the company since long. He introduced CA Bharat bomb to the petitioner. Both of them shown interest in the company of the petitioner. Further a joint venture was prepared to raise a cement manufacturing plant. But accused Bharat bomb and CA Deepak Parihar were having a dishonest intentions since beginning and wanted to grab the technology documents of the company. Both of them got tested the product of the petitioner company in the National Council for cement and building material and obtained a report. Thereafter both of them prepared the joint venture agreement on 26/03/2014 and assured the petitioner for providing huge investment to the tune of Rs. 1800 crores. But thereafter they did not comply with the term and conditions of joint venture and further stolen the technology related documents from the house of the petitioner. To this petitioner got registered the FIR against them on 16/07/2015. In this manner these people also caused a loss of Rs. 1767.73 crores to the petitioner. In this context petitioner has got registered another FIR No. 24/2016 at police station Urban Estate Patiala under section 420, 467, 468, 471 IPC read with section 66 B of IT Act. Ld. counsel referred the FIR appended with the bail application during the course of arguments.

5. That Ld. counsel for the petitioner also argues that petitioner is not named in the FIR. In fact the petitioner is the first person who has got registered the FIR against Bharat bomb. The CBI has filed the chargesheet on 13/06/2016 wherein the petitioner has not been remotely touched. However when the petitioner was going to America on 31/07/2016, he was prevented from going abroad and his passport was seized. Thus the petitioner came to know about the entire case. Thereafter the petitioner had challenged the aforesaid action of seizing passport in the civil writ petition filed before Hon'ble Delhi High Court and the copy of the same is appended to this bail application.

मुख्य प्रतिनिधिक
प्रतिनिधि शाखा (जम्हो)
जिसी एवं सेशन न्यायालय

जम्मू न्यायालय

20/11/2017

20/11/2017

6. That finally this has been argued by the Ld. counsel for the petitioner that the Enforcement Directorate has also investigated the matter and has filed a report in this court. The ED has recorded the statement of main accused Bharat bomb and has concluded that Bharat bomb is accused of forging and fabricating various documents. The two properties purchased in world trade Park Jaipur in the name of petitioner, in fact were purchased by Bharat bomb by arranging margin money etc from his associated companies. There is no photograph and signatures of the petitioner on these documents. Ld. counsel submits that an amount of Rs. 53 crores were transferred to the petitioner under the joint ventures agreement. The petitioner had obtained this amount under a bonafide belief that amount so being arranged by Bharat bomb is his own money and is being invested in furtherance of joint ventures agreement. The petitioner had no idea about conspiracy and criminal activities of accused Bharat bomb and others.

That on the strength of aforesaid grounds, the Ld. counsel has prayed for the grant of anticipatory bail to the petitioner on whatever conditions may be imposed by this court.

7. That on the other hand Ld. senior public prosecutor has vehemently opposed the application and contends that petitioner is involved in a big scam. He submits that investigations are pending in the matter against number of accused persons and the matter involved huge stake of public money. He submits that during course of investigations this has been surfaced that the defrauded amount has been transferred in the accounts of petitioner Himanshu Verma. Petitioner has himself admitted that he has received an amount of Rs.53,77,00,000/- through accused Bharat bomb. Further an amount of rupees 26,42,11,857.60/- was credited in the account of M/s Blue Creat industries private limited from account of M/s Radhika Enterprises, a firm of Vijay Nimawat.



मुख्य प्रशासक
इतिहास शाखा (जयपुर)
जिला एवं सेशन न्यायालय
जयपुर न्यायालय

Smriti
20/1/2017
नियुक्त अधिकारी
20.01.2017

10. That needless to say that the petitioner has demonstrated that he has received the money from accused Bharat bomb under a joint-venture agreement. As per this agreement some cement plant was to be raised. The money so received by the petitioner through cheques and RTGS entries during the year 2015 was to be invested for setting up cement plant. Petitioner has received an amount of more than 60 crores of rupees. But none of this amount has been utilised for setting up any cement plant under the joint-venture. Rather the investigating agency has revealed that amount so received has been utilised for purchasing real estate. Petitioner purchased a house in Chandigarh by investing around Rs. 12 crores and had also purchased the properties in Patiala. This has been the argument of the petitioner that Punjab government has issued certain certificate of appreciation etc for the product 'Green Cement' but petitioner has failed to demonstrate that where the plant was being set up and how the money so received under joint-venture was being utilized. I have also gone through the report submitted by the enforcement directorate wherein it has been concluded that the main accused behind the conspiracy was Bharat bomb and Bharat bomb has purchased the properties in the name of various persons by forging the documents. However this may help the petitioner about the properties purchased by Bharat bomb at WTP, Jaipur but certainly petitioner gets no favour from this report of ED regarding the rest of the amount received by him from the accused Bharat bomb and his associates. The petitioner has invested this amount in the real estate than to invest the same for alleged cement plant.

11. That the petitioner thus has been benefited from the defrauded amount of syndicate bank. At this stage it cannot be said that petitioner is not involved in the matter of 1055.78 crore scam in the syndicate bank. Facts demonstrate that petitioner is also a beneficiary from the defrauded amount.



मुख्य प्रोबिन्सिफ
प्रतिनिधि नगर (जयपुर)
जिला एवं सेशन न्यायालय
जयपुर न्यायालय

20/1/2017
दिनांक 20/1/2017
जे.पी.ए. 4/2017

The petitioner is a director in the M/s Blue Creat industries private limited and controls all the affairs of this company.

He also submits that an amount of rupees 12,50,00,000/- was credited in the account of the petitioner maintained with Axis bank, Chandigarh on 22/03/2014 from M/s Omania Entertainment and Hospitality Private Limited, a firm of accused Vipul Kaushik. Further an amount of Rs. 3 crores was credited in the account of the petitioner maintained with Axis Bank on 23/04/2014 and 15 /05/ 2014 from account of M/s BK builders, a firm of Sh. Burhanuddin Khilonawala. This firm is a paper firm with no business. Similarly an amount of rupees 4,90,00,000/- was credited in the account of petitioner Himanshu Verma from M/s Solanki constructions on 31/03/2015 and an amount of rupees 1,70,00,000/- was credited in the account of petitioner from M/s Matashwari suppliers on 30/03/2015.

8. That the Ld. senior public prosecutor submits that petitioner is deeply involved in the conspiracy and a lookout circular was in force against him. His passport was seized on account of his involvement in this multicore scandal. The petitioner has purchased a house at Chandigarh for rupees 11,91,75,000/- and has also purchased a plot at Rajpura in Punjab besides purchasing 2 shops for rupees 6,05,34,000/- at world trade Park, Jaipur. He submits that these facts shows that the petitioner utilized the defrauded amount for his own benefits such as to acquire house, land and shops. This is also the trend of the prosecution that petitioner has appeared before the investigating officer but he is not cooperating with the investigations. Petitioner has failed to produce the original documents of various properties and transactions. Finally Ld. public prosecutor has prayed for dismissal of the bail application.

9. That I have considered the rival contentions of the parties and has perused the documents cited by the Ld. counsel for the petitioner.

20/6/2017
20/6/2017
20/6/2017

12. That for the aforesaid reasons, the anticipatory bail application of the petitioner Himanshu Verma is hereby dismissed without commenting upon the merits of the case.

Bail Application dismissed.

Omattri
20/1/2017

Hari Om Sharma 'Attri'
Special Judge C.B.I. No. 2

Jaipur.

The order has been pronounced in the open court on this 20 day of January 2017.

Omattri
20/1/2017

Hari Om Sharma 'Attri'
Special Judge C.B.I. No. 2
Jaipur



मुख्य प्रतिलिपि
प्रतिलिपि शाखा (जजेज)
जिला एवं सेशन न्यायालय
जयपुर महानगर

प्रति-हस्ताक्षरित
सत्य प्रतिलिपि

प्रभारी अधिकारी 24/1/18
प्रतिलिपि शाखा (जजेज)
जिला एवं सेशन न्यायालय
जयपुर महानगर