



CRM-M-51202-2024 and other connected cases -1

215 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

1) CRM-M-51202-2024
Reserved on: 18.03.2025
Pronounced on:28.03.2025

RAJINDER SINGH @ HARJINDER SINGH ...PETITIONER

VERSUS

STATE OF PUNJAB ...RESPONDENT

2) CRM-M-54117-2024

KULWANT SINGH ...PETITIONER

VERSUS

STATE OF PUNJAB ...RESPONDENT

3) CRM-M-53055-2024

SUKHWINDER KAUR SARKARIA ...PETITIONER

VERSUS

STATE OF PUNJAB ...RESPONDENT

4) CRM-M-61781-2024

CHARANJIT SINGH SARKARIA ...PETITIONER

VERSUS

STATE OF PUNJAB ...RESPONDENT

CORAM: HON’BLE MR. JUSTICE ANOOP CHITKARA

Argued by: Mr. Inderjit Sharma, Advocate
for the petitioner in CRM-M-51202-2024.

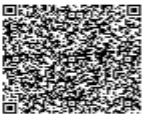
Mr. Satbir Singh Gill, Advocate
for the petitioner(s) in CRM-M-61781, 54117 and 53055-2024.

Mr. Akshay Kumar, Asst. AG, Punjab

Ms. Isha Goel, Advocate for the complainant.

ANOOP CHITKARA, J.

By this Common judgment, all the captioned above petitions are taken up for disposal, for brevity facts are taken from CRM-M-51202-2024 as all the petitions relate to the same FIR.



CRM-M-51202-2024 and other connected cases

FIR No.	Dated	Police Station	Sections
176	05.09.2024	Kamboj, Tehsil Batala, District Amritsar (Rural)	420, 465, 467, 468, 471, 120- B of IPC, 1860

1. The petitioner(s) apprehending arrest in the FIR captioned above has come up before this Court under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking anticipatory bail.
2. In all the bail petitions, three petitioners have clean antecedents except one petitioner, namely, Charanjit Singh Sarkaria has the following criminal history:-

Sr. No.	FIR No.	Date/Year	Offenses	Police Station
1.	163	03.07.2020	302/201/34 of IPC, 1860	Kamboj, District Amritsar
2.	52	04.05.2022	336 of IPC and Sections 25/27 of Arms Act	Kamboj, District Amritsar

3. The facts and allegations are being taken from the translation of FIR, which reads as follows:

"To Hon'ble SSP Sahib, Amritsar Rural, Subject: Application against (1) Ranjit Singh son of Gurmeet Singh resident of Village Jethuwal, Amritsar, (2) Gurmeet Singh son of Harbhajan Singh resident of Village Jethuwal Amritsar, (3) Wife of Ranjit Singh (unnamed) in respect of playing fraud and cheating obtaining Rs.9 Crores 9 Lakhs and 45 Lakhs and Rs.5 Crore total amount Rs.14 Crore and 45 Lakhs on the pretext of purchasing land. Mr. Ramesh Arora Managing Director Quality Pharmaceutical Ltd., Majitha Road, Amritsar through Quality Pharmaceutical Ltd. 6 Miles stone, Near Village Nang Kalan, Majitha Road Amritsar moved the following application with allegations that Quality Pharmaceutical Limited deals in manufacturing of medicines. In the year 2021, The company have planned buy to some land in order to run the business, then both accused told the company that they have a lot of reputation/recognition in the Amritsar District and have good influence in an around Villages Jethuwal and Malluwal and they assured that they will purchase land collectively in the same area in the name of Quality Pharmaceutical Ltd. by executing sale deeds in favour of the company. In this regard an agreement/MOU with Ranjit Singh was executed by the company through one of its authorized person namely Neel Mani Khemka son of Sarwan Kumar resident of 361-A, Mall Road, Amritsar and this agreement/MOU (Memorandum of Understanding) was executed between Ranjit Singh and Neel Mani Khemka on behalf of Quality Pharmaceutical Ltd. on 28.02.2021. 2. That as per the agreement/MOU the accused agreed to sell land measuring 50 Acres together No.25/26/27/39/40/42/57 from for Khasra sale consideration of Rs.40 Lakhs per Acre and received Rs.9 Lakhs in cash and Rs.21 Lakhs in the shape of Cheque No.000861 on the same day 28.02.2021 and got the amount transferred in his account as such he received total Rs.9 Crores 9 Lakhs through bank transfer on various dates in his personal bank account. Similarly, accused no.2 with connivance of accused no.1 executed an agreement with company on 10.11.2021 for



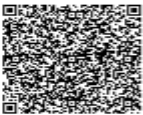
selling a land totaling 108 Kanal 7 Marla and said Gurmeet Singh got transferred Rs.45 Lakhs in his account. In this regard, accused no.1 issued two post-dated Cheques bearing No.007520 dated 24.09.2022 for amount totaling Rs.8 Crore 85 Lakhs 58 Thousand 5 Hundred of Axis bank and second Cheque No.007516 dated 26.09.2022 totalling amounting Rs.5 Crore of Axis Bank in favour of complainant company. 4. That both the accused have not purchased any land in the favor of the company and on the contrary have escaped with all the money of the company. The company presented the Cheques for encashment in their bank accounts but both of Cheques were dishonored due to insufficient funds. Regarding this the company has already filed a complaint in the court against the accused and Ranjit Singh did not appear in the court as such the Hon'ble Court Smt. Neelam JMJC declared accused Ranjit Singh as proclaimed offender vide order dated 12.06.2024. 5. That whenever the company transferred any amount in the account of accused, the said accused got the money transferred to his wife's account and to Nakash Film Production Company, which reveal that the above accused Ranjit Singh had invested a huge amount in the said Nakash Film Production Company and became the producer of Punjabi Movie Cheta Singh. 6. The above accused persons have connived with each other in usurping the company's money by playing and are now hiding themselves. Therefore, it is requested that in view of above circumstances, legal action be taken against them by registering an FIR against the three accused for committing fraud. Yours thankfully."

4. Counsel for the petitioner(s) submits that there is no allegations of cheating against the petitioner(s). All the petitioner(s) are in relation with the main accused-Ranjit Singh and they were also present for execution of agreement. 'The petitioner(s)' counsel prays for bail by imposing any stringent condition and contends that further pre-trial incarceration would cause an irreversible injustice to the petitioners and their families.

5. The State's counsel opposes bail and states that there is sufficient evidence pointing towards the petitioner(s)' involvement and conspiracy and the petitioner(s) are not entitled to bail as custodial interrogation is required. Counsel for the complainant also opposes the bail

6. It would be appropriate to refer to the following portions of the reply, which read as follows:

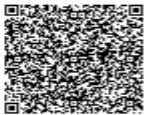
"That the role of the petitioner as per the FIR is that he was aware of the complete fraud being committed by his family members with the company as he was present at the time of the execution of the MoU as well as the Agreement with the Company. The cash was given by the Company to Ranjit Singh & family in his presence and he even went to the extent of showing the land to the persons of the Company to make them believe in the entire fraud. Hence it is clear from the bare reading of the FIR that the Petitioner has been actively involved in the fraud committed with the Company and has played a vital role in the same."



REASONING:

7. An analysis of the arguments, which led to the outcome that on the face of the FIR, petitioner(s) were not named as persons who had taken any money. Main accused is Ranjit Singh, who is brother-in-law of petitioner-Rajinder Singh @ Harjinder Singh, nephew of petitioner Kulwant Singh, son of petitioner Sukhwinder Kaur, brother of petitioner Charanjit Singh.
8. Thus, the evidence against the petitioner(s) are on much lower footings than against the main accused. As such, consideration for granting bail to the petitioner(s) would be entirely different than while considering the bail application of the main accused.
9. Pre-trial incarceration should not be a replica of post-conviction sentencing. The evidence might be *prima facie* sufficient to launch prosecution or to frame charges, but this Court is not considering the evidence at that stage, but is analyzing it for the sake of anticipatory bail. An analysis of the above does not justify custodial interrogation or pre-trial incarceration.
10. Given the above, the penal provisions invoked coupled with the *prima facie* analysis of the nature of allegations and the other factors peculiar to this case, there would be no justifiability for custodial interrogation or the pre-trial incarceration at this stage, subject to the compliance of terms and conditions mentioned in this order. Without commenting on the case's merits, in the facts and circumstances peculiar to this case, and for the reasons mentioned above, the petitioner makes a case for bail. This order shall come into force from the time it is uploaded on this Court's official webpage.
11. The investigation indicates that the petitioner(s) are not the main accused, so the petitioner(s) bail shall not be treated as a precedent for granting bail to the other co-accused with a higher role.
12. Given above, provided the petitioner(s) are not required in any other case, the petitioner(s) shall be released on anticipatory bail in the FIR captioned above subject to furnishing bonds to the satisfaction of the Arresting Officer, and if the matter is before a Court, then the concerned Court and due to unavailability before any nearest Ilaqa Magistrate/duty Magistrate. Before accepting the surety, the concerned Officer/Court must be satisfied that if the accused fails to appear, such surety can produce the accused.
13. While furnishing a personal bond, the petitioner(s) shall mention the following personal identification details:

1.	AADHAR number	
2.	Passport number (If available) and when the attesting officer/court considers it appropriate or considers the accused a flight risk.	
3.	Mobile number (If available)	



4.	E-Mail id (If available)	
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14. This order is subject to the petitioner’s complying with the following terms.

15. The petitioner(s) are directed to join the investigation within seven days of uploading this order on the official webpage of the High Court of Punjab and Haryana and as and when called by the Investigator. The petitioner(s) shall be in deemed custody for Section 27 of the Indian Evidence Act, 1872/ Section 23 of BSA, 2023. The petitioner(s) shall join the investigation as and when called by the Investigating Officer or any Superior Officer and shall cooperate with the investigation at all further stages as required. In the event of failure to do so, the prosecution will be open to seeking cancellation of the bail. During the investigation, the petitioner(s) shall not be subjected to third-degree, indecent language, inhuman treatment, etc.

16. In case the Investigator/Officer-In-Charge of the concerned Police Station arraigns another section of any penal offense in this FIR, and if the new section prescribes a maximum sentence that is not greater than the sections mentioned above, then this bail order shall be deemed to have also been passed for the newly added section(s). However, suppose the newly inserted sections prescribe a sentence exceeding the maximum sentence prescribed in the sections mentioned above; then, in that case, the Investigator/Officer-In-Charge shall give the petitioner(s) notice of a minimum of seven days, providing an opportunity to avail the remedies available in law.

17. This bail is conditional, and the foundational condition is that if the petitioner(s) indulge in any non-bailable offense, the State may file an application for cancellation of this bail before the Sessions Court, which shall be at liberty to cancel this bail.

18. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.

19. A certified copy of this order would not be needed for furnishing bonds, and any Advocate for the Petitioner(s) can download this order along with case status from the official web page of this Court and attest it to be a true copy. If the attesting officer wants to verify its authenticity, such an officer can also verify its authenticity and may download and use the downloaded copy for attesting bonds.

20. Petitions are allowed in terms mentioned above. All pending applications, if any, stand disposed of

28.03.2025
renubala

(ANOOP CHITKARA)
JUDGE