

**CRM-M-56433 of 2024****1**

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

215**CRM-M-56433 of 2024****DATE OF DECISION :- 08.01.2025****Anil Kumar @ Anil Saini****...Petitioner**

Versus

State of Haryana**...Respondent****CORAM: HON'BLE MR. JUSTICE SUMEET GOEL****Present:-** Mr. Sant Pal Singh Sidhu, Advocate for the petitioner.

Ms. Priyanka Sadar, AAG, Haryana.

Mr. J.S. Moudgill, Advocate for
Mr. A.S. Dhindsa, Advocate for the complainant.

SUMEET GOEL, J. (Oral)

1. Present petition has been filed under Section 483 of BNSS, 2023 for grant of regular bail to the petitioner in case bearing FIR No.205 dated 19.07.2024, registered for the offences punishable under Sections 406, 420, 120B, 506 of IPC and Section 12 of Chit Fund Act, 1982 at Police Station Pehowa, District Kurukshetra.

2. The case set up in the FIR in question (as set out in the present petition by the petitioner) is as follows:-

“A complaint NO.1264-Peshi 19.7.2024 has been received at dated police station Sadar Pehowa from the office of S.P. Kurukshetra, the details of the same is as under: To S.P. Kurukshetra. Sub: For taking legal action against 1. Gurbaj Singh Mobile NO.9467727754 son of Jaswant Singh 2. Sohan



Singh Mobile NO.9991543795 resident of son of Sh. Hazar Singh, village Jaswanti District Kaithal, share holder core committee member. 3. Anil Saini Mobile NO.83988- 88837, resident of Diwan Colony, Pehowa. 4. Dev resident Mobile Kaithal Deswal mobile No.98960-57504, of Cheeka. 5. Sudesh Nain No.95182-03521 resident 6. Dr. NO.99961-31605, Kaithal. 7. of Rajesh Gujjar Mobile resident Rajesh of Kumar NO.81684-70120, resident of Pawan resident Panchal of Gau mobile Charan, District Mobile Pehowa 8. NO.90685-53100 Pehowa 0/0 BITFX.CO.COM office on first floor of Mathoot Finance Kurukshetra, as Building, Sector 17 accused allured on the pretext of giving double money in 25 months and thus committed cheating of Rs.1,25,00,000/- with applicant and their companion and they threatened to the applicant to commit their murder. Respected Sir, The applicants are requesting as under: 1. That applicant Karan Kumar resident of son of Sh. Inder Kumar, Fauji Lovepreet Singh 8/0 Plot, Pehowa 2. Alamjit Singh, resident of Gumthalagarh, Tehsil Pehowa, District Kurukshetra 3. Arun Sachdeva s/o Sh. Kashmir Singh r/o Ward No.5, Pehowa Singh 4. r/o Varinder Singh s/o Balihar Gumthala Tehsil District Kurukshetra law abiding citizen. Pehowa, are peace loving 2. That accused No.1 is having shop No.37 with the name of Dandiwal Traders Jaswant Traders at Grain Market Pehowa District Kurukshetra and accused No.1 is also agent. a commission 3. That above said accused No.1 and other accused said to us that they have prepared they all have a business platform and formed a BITFX.CO.COM company. The office of the company is at first floor of Mathoot Finance Building, Sector 17 Kurukshetra. The accused No.1 and 2 stated that they are owner of the company and accused No.3 and 8 stated that they are core committee members. They said to applicant to invest money in the company and also get invested money of their relatives and friends in this company and they can further said to them to get invest money of their



relatives and near and dears and to form a chain system, whatsoever money would be invested by the members, they will give double the amount in 25 months and capital of the investment, they will return in 14 months. The persons who will get invested maximum money in the company, they will give them luxury car, motorcycles, bullet motorcycles, gold chain and other costly articles and cash as reward. They said that many cars and articles were given by company to these persons and they showed us the pictures and made us to talk with them. Then we asked them how they are giving the double money in 25 months then above said accused told us that they will invest our money further in Crypto currency and also give money Commission agent on interest to and purchase property to carve out colonies, invest in share markets, they will open finance company to give money interest and apart from this, they will open agencies to send people abroad and thus they will earn huge profit and out of that profit, they will give double money to us. Their company will also earn profits and this is their business plan. Due to this, we believed them and told them we will tell them later on. Thereafter the above said accused repeatedly started visiting our houses and asked us to immediately invest money in the company, otherwise we will not be able to get benefit given by the company. The accused No.1 and 2 guarantee said that their commission agent shop is situated at Grain Market and they will be responsible and asked us to invest money. Accused No.1 said that the license of commission agency of shop No.37 is in his name and thus they took us in their faith. That thereafter we invested our money in the company. Then accused said to us to handover our passport to them and they will take us to America for a tour on the expenses of company. Then some persons out of us immediately made their passports and accused arranged a tour of applicant Lovepreet and Karan to Baku and Bali. They said to ask more people to invest in the company and then they will



take them to America for a tour. Thereafter we started believing more to the above said accused and we started investing more and more money in the company. We also got invested money of our relatives and friends in the company and accused No.1 and 2 also assured those persons by saying that they have commission agent shop. Accused No.3 and 8 also showed their photographs and said that they have invested huge money and got rewards and they also earned huge properties. The above said accused made a whatsapp group in the name of [BITFX.CO](#) Star family and through that group, they were alluring people like us and they were getting invested money in the company by alluring and showing those persons who have invested money in the company. They were posting their SMS in the whatsapp group and persuading the people to invest in the company. That accused said us to make a team and get invested in the company through our own team. Then we got invested money of our relatives and friends directly in the company and some of our friends transferred money in our account. which was further transferred by us to the company and in this way, our team has invested almost Rs.3 crores in this company. The above said accused have returned some money to us and our Rs.1,25,00,000/- pending towards are still accused. The accused have opened branch of this company in every city. Apart from us, many other people have given money to the accused persons and many people are cheated by them and amount is approximately Rs.100 crores to Rs.125 crores. Some persons are keeping mum due to fear of income tax and some persons are not speaking being Govt. officials.. Many people invested in the company by taking loan from the bank and also by selling their jewelry or by mortgaging their property. Some persons are ready to commit suicide due to harassment by them. The above said accused persons made property of crores of rupees by committing cheating with innocent persons like us. Now when we all the applicants are



going to the shop to shop No.37 Grain Market, Pehowa which is of accused No.1 to get our amount of Rs.1,25,00,000/-, then brother of accused No.1 Ladi and his father Jaswant Singh are threatening us that they will not return our money and in case, we will come again at their shop then they will get register some false case against us. Shop No.37 is in the name of accused No.1 but his father and brother are running the business. His brother is having vehicle of accused No.1. Thereafter we met accused No.3 and 8 who were members of core committee of the company, then they refused to return our money and abused threatened that in us us, case they also we will demand money again from them, then they would murder us and our family members and destroy way, the committed our above dead bodies. In this said cheated Rs.1,25,00,000/- with us. accused amount have of In light of the above facts, it is requested that strict legal action be taken against the accused persons and our money of Rs.1,25,00,000/- be get recovered from them which they got from us under conspiracy and by committing fraud. Our Life and liberty and life and liberty of our family be protected and justice be done with us. We shall be thankful to you. Sd/ Karan Kumar son of Sh. Inder Kumar, resident of Fauji Plot, Pehowa, Lovepreet Singh s/o Alamjit Singh, resident of Gumthalagarh, Tehsil Pehowa, District Kurukshetra, Arun Sachdeva s/o Sh. Kashmir Singh r/o Ward No.5, Pehowa and Varinder Singh s/o Balihar Singh r/o Gumthala Kurukshetra Tehsil Pehowa, District Kurukshetra’’

3. Learned counsel for the petitioner has argued that the petitioner is in custody since 16.08.2024. Learned counsel has further submitted that the petitioner has no direct concern with the company which has allegedly defrauded the complainant, the petitioner is neither a Director nor working as an employee/Officer in the said company, in fact the petitioner had invested his own money as also got invested money of his relatives into the



company and was himself defrauded and he actually stands upon the footing of a victim rather than an accused. It has been further iterated by learned counsel for the petitioner that the petitioner is a person aged 35 years and is required to take care of his family and is the only bread earner of his family. In this view of the matter, learned counsel has prayed for grant of regular bail.

4. Learned State counsel has opposed the present petition arguing that the allegations raised are serious in nature and thus the petitioner does not deserve the concession of the regular bail. Learned State counsel seeks to place on record custody certificate dated 07.01.2025 in Court, which is taken on record.

5. Learned counsel appearing for the complainant has vehemently opposed the grant of regular bail to the petitioner by arguing that the allegations made against the petitioner are serious in nature. Learned counsel for the complainant has further iterated that the amount for which the complainant had been defrauded is yet to be recovered. Learned counsel for the complainant has further iterated that the the petitioner is in fact employee of the company in question and is actively involved in working thereof. Learned counsel for the complainant has further iterated that the petitioner has been receiving commission/pay-back in lieu of the money got invested by the petitioner and hence there is severe material for showing the culpability of the petitioner into the crime in question.

6. I have heard counsel for the parties and have gone through the available records of the case.

7. The petitioner was arrested on 16.08.2024 whereinafter investigation was carried out and challan stands presented on 19.09.2024.



Total 19 prosecution witnesses have been cited and none has been examined till date. The rival contention of learned counsel for the parties; as to whether the petitioner is involved with the working of the company in question, whether the petitioner has been falsely implicated and whether the petitioner has invested his own money as also that of relatives into the company in question and has himself been defrauded; shall be gone during the course of trial. These issues are debatable issues which are required to be ratiocinated upon during the course of trial. This Court does not deem it appropriate to delve deep into these rival contentions, at this stage, lest it may prejudice the trial. Nothing tangible has been brought forward to indicate the likelihood of the petitioner absconding from the process of justice or interfering with the prosecution evidence. As per custody certificate dated 07.01.2025 filed by learned State counsel, the petitioner has suffered incarceration for about 04 months and 21 days & is not shown to be involved in any other case.

Suffice to say, further detention of the petitioner as an undertrial is not warranted in the facts and circumstances of the case.

8. In view of above, the present petition is allowed. Petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the Ld. concerned CJM/Duty Magistrate. However, in addition to conditions that may be imposed by the concerned CJM/Duty Magistrate, the petitioner shall remain bound by the following conditions:-

- (i) The petitioner shall not mis-use the liberty granted.
- (ii) The petitioner shall not tamper with any evidence, oral or documentary, during the trial.
- (iii) The petitioner shall not absent himself on any date before the trial.



- (iv) The petitioner shall not commit any offence while on bail.
- (v) The petitioner shall deposit his passport, if any, with the trial Court.
- (vi) The petitioner shall give his cell-phone number to the Investigating Officer/SHO of concerned Police Station and shall not change his cell-phone number without prior permission of the trial Court/Illaq Magistrate.
- (vii) The petitioner shall not in any manner try to delay the trial.

9. In case of breach of any of the aforesaid conditions and those which may be imposed by concerned CJM/Duty Magistrate as directed hereinabove or upon showing any other sufficient cause, the State/complainant shall be at liberty to move cancellation of bail of the petitioner.

10. Ordered accordingly.

11. Nothing said hereinabove shall be construed as an expression of opinion on the merits of the case.

12. Since the main case has been decided, pending miscellaneous application, if any, shall also stands disposed off.

(SUMEET GOEL)
JUDGE

08.01.2025

P.Singh

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No