

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

**CRM-M No.6609 of 2016 (O&M)
Date of Decision: 20.05.2016**

Gagan Chadha

..... Petitioner

Versus

State of U.T., Chandigarh

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. J.S.Bedi, Senior Advocate assisted by
Mr. Sonpreet S. Brar, Advocate for the petitioner.

Mr. Gautam Kaile, Advocate for
Mr. Rajiv Sharma, Additional Public Prosecutor, UT, Chandigarh
for the respondent assisted by H.C. Sudesh Kumar.

JASWANT SINGH, J. (Oral)

The prayer is for grant of regular bail under Section 439 Cr.P.C. to the petitioner/accused-Gagan Chadha in case FIR No.7 dated 08.01.2016, under Sections 420 & 120-B of the Indian Penal Code and Section 24 of the Immigration Act, 1983, registered with Police Station Sector 36, Chandigarh.

The allegations of the complainant-Iqbal Singh and 07 other similarly aggrieved persons are that they have been duped of heavy amounts of money by the owners of M/s E Consultants India on the pretext of sending them to Canada or Russia.

The allegation against the petitioner/accused is that although M/s E Consultants is the sole proprietorship of the co-accused/non-applicant Pardeep Kumar, however, the petitioner/accused-Gagan Chadha is the real kingpin behind the entire operations of the said firm and duping the said persons to the tune of around Rs.63 lacs.

It is contended that all the aggrieved persons, on payment of respective amounts, had entered into an agreement with M/s E Consultants, which concededly is registered as the sole proprietorship of the co-accused Pardeep Kumar. The allegations qua the real ownership of the petitioner/accused is a matter of trial.

It is next submitted that the petitioner is in custody since 08.01.2016 and after completion of the investigations, challan stands presented and evidence of 29 cited prosecution witnesses is yet to commence.

Learned Counsel for the respondent/UT, Chandigarh, assisted by HC Sudesh Kumar, does not dispute the custody period, that the proprietorship firm is registered in the name of the co-accused Pardeep Kumar. It is, however, submitted that the case is fixed for framing of charges and there is apprehension that the petitioner would evade the process of the Court.

Without commenting on the merits of the case, keeping in view the custody period of the petitioner and the fact that trial is not likely to be concluded in near future, this Court finds that petitioner/accused deserves the concession of regular bail and as such he is ordered to be released on regular bail subject to deposit of the Passport of the petitioner, if not already impounded in any other case, and heavy sureties to the satisfaction of CJM/Duty Magistrate concerned.

Disposed of.

May 20, 2016
Gagan

(JASWANT SINGH)
JUDGE