

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

CRM-M-15062 of 2016

Date of Decision: March 30, 2017

Bir Singh

...Petitioner

Versus

State of U.T. Chandigarh

...Respondent

CRM-M-16022 of 2016

Thakur Singh

...Petitioner

Versus

State of U.T. Chandigarh

...Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. Kanwal Goyal, Advocate
for the petitioners.

Mr. Anil K. Lamdharia, APP, UT Chandigarh.

Mr. D.D. Gupta, Advocate, Mr. Kunal Dawar, Advocate
and Jagjot Singh, Advocate for complainants.

FATEH DEEP SINGH, J.

Both these anticipatory bail applications having come about both under Section 438 Cr.P.C in one and the same FIR are, thus, being disposed off together.

Facts brought to the notice of the Court by the learned State counsel are that one accused Rajesh (also referred as Rajesh Singh Chauhan and Rajesh Chauhan) had on false and fraudulent misrepresentation duped more than 30 persons for a sum of Rs.1.5 Crores

on the pretext of hefty returns by subscribing to Committee/Chit Fund Scheme. It is alleged that the petitioners are close relations of the principal accused and were instrumental in helping him in this scandal.

The bail applications are opposed on behalf of the State as well as by learned counsel for the complainant on the grounds that in view of the enormity of the scandal and that the petitioners being instrumental in running the same does not calls for grant of the bail and that the similarly placed co-accused Basu Dev Singh Chauhan has been declined this relief vide order dated 14.2.2017 of this Court.

Learned counsel for the petitioners vehemently argued that the petitioners cannot be attributed any role and that nothing is to be recovered from them and there is no specific allegations against them.

Appreciating the submissions, from the Police file it is abundantly clear that the victims have also assigned role to the accused-petitioners and in view of the seriousness of the allegations and heinousness of the offence, custodial interrogation of the petitioners is certainly very much essential. Together with the fact that provisions of Section 438 Cr.P.C are to be used in rarest of rare case, thus, no ground to allow the present applications is made out.

Dismissed.

(FATEH DEEP SINGH)
JUDGE

Match 30, 2017

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Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No