IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Criminal Misc. No. M-32256 of 2016 (O&M)

Date of decision : May 08, 2017

Amarjit Singh .... Petitioner

VERSUS

State of Punjab ..... Respondent

CORAM : HON'BLE MR. JUSTICE A.B. CHAUDHARI

PRESENT: Mr. J.S. Moudgill, Advocate, for the petitioner.
Ms. Rajni Gupta, Additional Advocate General, Punjab.

...

1. Whether Reporters of local newspapers may be allowed to see the judgment? YES/NO

2. To be referred to the Reporter or not? YES/NO

3. Whether the judgment should be reported in the digest? YES/NO

Per A.B. Chaudhari, J.

By the present petition, the petitioner seeks pre arrest bail in case F.I.R. No.95 dated 07.07.2006 under Sections 406, 420, 467, 468, 471, 120-B, Indian Penal Code, Police Station Amloh, District Fatehgarh Sahib.

Learned counsel for the petitioner submitted that the petitioner did not himself misappropriate the money of the investors as according to the prosecution itself, he was acting as

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an agent for collecting the money from the investors and for depositing the same with the company and, therefore, the main accused was responsible rather than the petitioner. At any rate, learned counsel for the petitioner relied upon the decision in the case of Sanjay Chandra vs. CBI, 2011 (4) RCR (Criminal) 898, and submitted that the relief of bail be granted in the light of the said decision.

I have heard the learned counsel for the rival parties at length. I have perused the reply filed by the State as well.

The sum and substance of the reply filed by the State against the petitioner is as under:-

> "4. That it is respectfully submitted that pursuant to the registration of the case/FIR, the related record was taken into police possession and the statements of the witnesses including the investors were recorded under Section 161 Cr.P.C. During the course of investigation the 2 persons/investors namely Kuldeep Kaur and Gurmilap Singh also came forward and got their statement recorded under Section 161 Cr.P.C. With the money invested by the 2 investors who had come forward during the course of investigation, total fraud committed by the accused with 13 investors is now to the tune of Rs. 1,79,23,000/-. It is worthy to point out here that all the investors have mentioned the names of the accused namely Mohinder Singh, Gurbax Singh, Satnam Singh and Dev Raj and the name of the companies namely Mega Fine Agro Concept Ltd., Mumbai and Suchait Multipurpose Cooperate Society, Mamdot, District Ferozepur. True translated copies of the statements of the investors under Section 161 Cr.P.C. are being annexed herewith as **Annexure R-l/T (Colly.)** for the kind

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consideration of this Hon'ble court.

5. That it is respectfully submitted that on 13.08.2016 the supplementary statement of the complainant Harpreet Singh was recorded who stated that he has come to know that the owner of Mega Fine Agro Concept Ltd., Mumbai was a person namely Mohammad Yusuf Munniar. He also informed that the Chairman of the society namely Suchait Multipurpose Cooperate Society, Mamdot, District Ferozepur was a person namely Amarjit Singh. It was also stated by him that a person namely Ashok Kumar alias Gola was the main agent of Mega Fine Agro Concept Ltd., Mumbai, who had also taken the money of the investors. Accordingly, on the basis of the supplementary statement of the complainant the persons namely Mohammad Yusuf Munniar, Amarjit Singh and Ashok Kumar alias Gola were nominated as the accused vide case diary no. 8 dated 13.08.2016.

Besides, during the course of investigation the accused Satnam Singh was arrested on 11.08.2016, Mohammad Yusuf Munniar was arrested on 16.08.2016 and Gurbax Singh was arrested on 14.12.2016. Accused Amarjit Singh has been associated on 06.10.2016 and accused Dev Raj has been associated with the investigation on 13.10.2016 on the strength of the interim bail granted by this Hon'ble Court."

In addition, it is seen that the petitioner had executed various Indemnity Bonds. With the assistance of the learned State counsel, I have gone through the Indemnity Bond (Annexure R-3) and find that the petitioner-Amarjit Singh had executed the Indemnity Bond and had singed the same.

In view of the reply, it is clear that the petitioner is duping gullible investors fully knowing that he is committing serious offences. The decision in the case of Sanjay Chandra

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(supra), has no application in the present case. Petitioner does not deserve to be granted pre-arrest bail.

In the result, the petition is dismissed.

May 08, 2017 (A.B. CHAUDHARI)
Kang JUDGE

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