

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM No. M-3925 of 2017 (O&M)

Date of Decision: 14.02.2017

Basu Dev Singh Chauhan

--Petitioner

Versus

State of Punjab

--Respondent

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. Arshdeep Bhullar, Advocate for the petitioner.

Mr. P.S. Grewal, D.A.G., Punjab.

Mr. Jagjot Singh, Advocate for the complainant.

TEJINDER SINGH DHINDSA.J

The present petition has been filed under Section 438 Cr.P.C praying for the grant of anticipatory bail to the petitioner in case F.I.R. No.18 dated 09.02.2016 sections 406, 420, 120-B I.P.C and Section 4/3 Prize Chits and Money Circulation Schemes (Banning) Act, registered at Police Station, Naya Gaon, District Mohali.

Perusal of the FIR would reveal that the same has been registered in pursuance to complaints having been lodged collectively at the hands of approximately 40 investors who had put in their hard earned money in a Chit Fund Scheme, which was purportedly being run by the main accused Rajesh Singh Chauhan.

Counsel for the petitioner would vehemently contend that Rajesh Singh Chauhan, who is the main accused had collected money, if at all and the present petitioner is sought to be implicated only on the basis that he is the real brother of the main accused. It is further contended that even the cheques that had been issued towards return of the amount to the investors were by Rajesh Singh Chauhan and not by the present petitioner.

Counsel has also adverted to an order passed by learned Additional Sessions Judge, SAS Nagar, Mohali whereby co-accused Gambhir Singh Negi has been granted benefit of regular bail. Further contended that even main accused Rajesh Singh Chauhan has been admitted to regular bail.

Counsel for the parties have been heard.

During the course of hearing today the police file has been perused. The same contains copies of the complaints lodged by individual investors. By way of instance the complaint lodged by one Sanjay Singh Bisht has been perused. There are categoric allegations against the present petitioner of having introduced such investors to the main accused i.e. Rajesh Singh Chauhan. Further allegations are that upon such introduction having been facilitated, Rajesh Singh Chauhan made the complainant a member of the contributory self financing committees.

Learned State counsel as also counsel appearing for the eight complainants submit that the total amount which has been misappropriated amounts to Rs.1.5 Crores.

Counsel appearing for the complainants would also submit that even though, the petitioner may be staying separately but the house in which he is staying belongs to the main accused Rajesh Singh Chauhan.

The allegations taken as a whole are a pointer towards a scam whereby innocent people have been duped of their hard earned money on the inducement of an attractive return. The present petitioner is none other than the real brother of main accused Rajesh Singh Chauhan. He is the one who had facilitated the introduction of the investors to the main accused.

Keeping in view the totality of the circumstances, this Court is not inclined to extend in favour of the petitioner the benefit of pre-arrest bail.

Petition, accordingly, is dismissed.

(TEJINDER SINGH DHINDSA)
JUDGE

14.02.2017
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Whether speaking/reasoned: Yes
Whether Reportable: No