

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-754 of 2017

Date of Decision: 02.06.2017

Gurtej Singh

....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Ramesh Sharma, Advocate
for the petitioner.

Ms. Bhavna Gupta, DAG, Punjab.

SURINDER GUPTA, J.(Oral)

The present petition has been filed under Section 439 Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No.89 dated 16.12.2014 registered for offences punishable under Sections 406, 420, 467, 468, 471 read with Section 120-B of Indian Penal Code (for short, "IPC") at Police Station Rureke Kalan, District Barnala.

Heard.

Learned counsel for petitioner submits that allegations in the FIR pertain to cheating of various persons by the company M/s Live Trading India with which the petitioner has no concern.

As per case of prosecution, the petitioner had allured complainant and other persons to invest in company M/s Live Trading India. Even the petitioner is one of the investor in M/s Live Trading India.

Learned State counsel submits that the petitioner is AMD of another company M/s Live Infra Trading India with Bhupinder Gupta and others and was instrumental in floating M/s Live Trading India. Even the

land was purchased by M/s Live Trading India with the money collected from the public and in the agreement, the petitioner is one of the buyer.

Refuting submissions of learned counsel State counsel, learned counsel for the petitioner submits that all the account of M/s Live Trading India have been freezed and property purchased by it has been confiscated. There is no documentary evidence that any sale deed was executed in favour of the petitioner.

Vide order dated 26.08.2016 passed in CRM-M-28266-2016, trial Court was directed to expedite the trial and conclude the same within a period of three months. Thereafter, supplementary challan was filed in the case and *de novo* trial has been started.

It is submitted that only one witness out of 43 witnesses has been examined so far.

Without expressing any opinion on merits of the case and keeping in view the role of petitioner as stated by learned counsel for the petitioner and in view of the fact that conclusion of trial will take considerably long time, the present petition is allowed. Petitioner-Gurtej Singh is ordered to be released on regular bail on furnishing bail bond and surety bond to the satisfaction of concerned trial Court/Chief Judicial Magistrate/Duty Magistrate, subject to following terms:-

- (a) The petitioner shall comply with the conditions mentioned in Section 437(3) Cr.P.C.
- (b) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn. The trial Court shall be competent to cancel his bail bond and surety bond and proceed to procure his

presence in accordance with law. In that eventuality the petitioner shall have to apply for bail afresh.

- (c) He shall not leave the country without the previous permission of the Court.

Learned counsel for the petitioner before the trial Court is directed to cross-examine all the witnesses on the date they appear or on next date as allowed by the trial Court. In the event of any dilatory tactics being used by the petitioner, the trial Court will be at liberty to cancel his bail and take him into custody without seeking any direction from this Court.

June 02, 2017
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No