

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

1. CRM-M-966-2017 (O&M)

Gurbachan Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

2. CRM-M-2337-2017

Balvir Singh Kainth

..... Petitioner

Versus

State of Punjab

..... Respondent

Date of decision: 31.07.2017

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

PRESENT: Mr. AS Barnala, Advocate
for the petitioner (CRM-M-966-2017).

Mr. Jasbir Rattan and Mr. Manu Rattan, Advocates
for the petitioner (in CRM-M-2337-2017).

Mr. BS Baath, DAG, Punjab.

RAMENDRA JAIN, J. (ORAL)

CRM-23349-50-2017 in CRM-M-966-2017

Both the applications are allowed as prayed for.

Copy of statement of account of applicant/petitioner-Gurbachan Singh as well as list of members filed along with the application (CRM-23349-2017) Annexures P-4 and P-5, respectively, are taken on record, subject to all just exceptions.

CRM-M Nos. 966 and 2337-2017

1. This order shall dispose of two petitions bearing CRM-M- Nos. 966 and 2337-2017, filed by Gurbachan Singh and Balvir Singh Kainth, respectively, under Section 438 Cr.P.C. for grant of anticipatory bail in case FIR No. 119 dated 18.12.2016 registered under Sections 420 and 120-B IPC at Police Station Dhanaula, District Barnala. For brevity, the facts are being extracted from CRM-M-966-2017.

2. According to the FIR, Gurbachan Singh-petitioner (in CRM-M-966-2017) got registered a firm under the name and style of M/s NG Placement Company, Head Office Barnala, Branch Dhanaula, to cheat and commit fraud with the innocent people. Gurbachan Singh, aforesaid in connivance with Dr. Balvir Singh Kainth-petitioner (in CRM-M-2337-2017), Manager, of the said company made several members and got deposited ₹ 2300/- per member with a promise that after a span of 45 days they would arrange a loan of ₹ 50,000/- for them and would further disburse a loan of ₹ 50,000/- after 20 days, which was to be returned on monthly installments of ₹ 2604/- in four years. Both the petitioners initially paid ₹ 50,000/- to 20 members to gain faith in the innocent public by getting their signatures on blank pronote and papers and taking joint photographs of husband and wife. They both appointed various agents, one of them was Rajni Kaur W/o Raju Singh resident of Barnala and another Rajwinder Kaur W/o Budh Singh resident of village Bathlan, District Barnala, who have made 300 and 90 members, respectively and collected more than ₹ 9 lakhs. In this way, both the petitioners have cheated, defrauded and usurp the huge amount of the innocent public.

3. Learned counsel for petitioner-Balvir Singh Kainth (in CRM-

M-2337-2017) contends that the petitioner was only a Manager with Gurbachan Singh-petitioner (in CRM-M-966-2017), who was running the firm M/s NG Placement Company. He being Manager of the said firm used to collect money for general public and paid the same to Gurbachan Singh and when he came to know that Gurbachan Singh was not a genuine person, he left his job.

4. Contrary to it, learned counsel for petitioner-Gurbachan Singh (in CRM-M-966-2017) contends that the amount was collected by Balvir Singh Kainth and he did not deposit the same with him and, thus, it was only Balvir Singh Kainth, who cheated and defrauded the innocent public, if any.

5. Learned State counsel has vehemently opposed the anticipatory bail petition of both the petitioners by submitting that both the petitioners in connivance with each other have collected huge amount from the innocent people and usurped the same. To unearth the fraud and cheating committed by both the petitioners, their custodial interrogation is necessary. Though, pursuant to the interim directions dated 20.01.2017 and 31.01.2017 passed by this Court in CRM-M Nos. 966 and 2337-2017, respectively, both the petitioners have joined the investigation, but they did not co-operate with the same as neither they got effected any recovery nor they handed over the registration papers of their companies. He also contends that against Gurbachan Singh-petitioner (in CRM-M-966-2017, two more FIRs bearing Nos. 253 dated 26.07.2017 and 390 dated 02.12.2016, were registered at Police Station City, Barnala for committing cheating and fraud upon the general public.

6. Considering the overall facts and circumstances of the case and

the fact that both the petitioners in connivance with each other have collected huge money from the innocent people and usurp the same, did not deserve the concession of anticipatory bail, more particularly when, now in order to wriggle out from their individual liability they both are blaming each other. This fact is also required to be probed during investigation that as to how much amount was collected and usurped by Gurbachan Singh-petitioner individually (in CRM-M-966-2017) and also by Balvir Singh Kainth-petitioner (in CRM-M-2337-2017) from the innocent general public. To unearth the above fraud and cheating committed by both the petitioners, their custodial interrogation is very much required. Both the petitions i.e. CRM-M Nos. 966 and 2337-2017 being completely devoid of any merit are accordingly, dismissed.

July 31, 2017
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(RAMENDRA JAIN)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No