

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-32934-2018 (O&M)

Date of decision:29.08.2018

Dalip Kumar Verma and others

.....Petitioners

Versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR.JUSTICE GURVINDER SINGH GILL

Present: Mr. Aditya Sanghi, Advocate
for the petitioners.

Mr. A.S. Sandhu, Addl. A.G., Punjab.

GURVINDER SINGH GILL, J. (ORAL)

CRM-26512-2018

For the reasons mentioned in the application, the same is
allowed subject to all just exceptions.

CRM-M-32934-2018

The petitioners seek grant of regular bail in case registered
against them vide FIR No.375 dated 17.10.2014 under Sections 420 and
406 of Indian Penal Code, 1860 registered with Police Station Civil Line,
District Amritsar.

The allegations in the present FIR lodged at the instance of
Monty Ahuja are that the petitioners Dalip Kumar Verma, Pawan Kumar,
Rakesh Kumar Verma and Vijay Kumar Verma are Directors of M/s Indus
Fuels Pvt. Limited who were into the business of supplying gas cylinders
to distributors, dealers and ultimately to the consumers. Petitioner No.5-

Ajit Singh is stated to be General Manager of aforesaid firm. It is the case of prosecution that the firm in question while nominating dealers used to take huge license fee as well as security fee running in several lakhs and that although initially the firm used to supply the cylinders in question to the complainant but subsequently despite having taken huge amount the cylinders were not supplied. It is thus alleged that complainant-Monty Ahuja, Proprietor of M/s Sangam Gas Services was cheated of an amount of ₹58,82,000/- while one Gaurav Arora, Proprietor of M/s Golden Gas Services was cheated by ₹8 lakhs.

Notice of the petition was issued to the respondent-State and learned State counsel has opposed the petition.

Learned counsel for the petitioners has submitted that the matter in question is purely in the nature of civil dispute and that it was on account of increase in the prices of gas by the Government and that dispute arose between the consumers and dealers of the petitioners' firm due to which the supplies were disrupted. Learned counsel has further submitted that the petitioners are in fact facing trial in about 100 odd cases of similar nature lodged by various dealers and wherein they have been released on bail in majority of the cases. The learned counsel in this context has drawn attention of this Court to orders passed in identical cases against the petitioners which have been annexed as Annexure P-3 and Annexure P-4. Learned counsel has today also submitted a compilation of about 13 orders passed by trial Courts in identical cases wherein the petitioners have been ordered to be released on bail wherein the amount involved was between ₹52 lakhs to ₹2.5 crores.

On the other hand the learned State counsel has submitted

that in view of the huge amount involved in the entire scam wherein a large number of dealers, distributors and consumers have been cheated, the petitioners do not deserve concession of bail.

Having considered rival contention addressed before this Court, I do find that the amount involved in the present case as well in identical case is colossal but in view of enormity of scam, the investigation and the trial seems to be proceeding at snail's pace. Although the FIR in the present case was registered way back in the year 2014, it was only in February, 2018 that the challan has been presented. Furthermore, despite the fact that challan has been presented in February, 2018, charges have not been framed so far. The conclusion of trial, in its normal course, is likely to take some time. The petitioners in other identical cases have already been released on bail. In my opinion, no fruitful purpose would be served by further detaining the petitioners behind bars. Accordingly, petitioners – Dalip Kumar Verma, Pawan Kumar, Rakesh Kumar Verma, Vijay Kumar Verma and Ajit Singh are ordered to be released on regular bail on their furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate Amritsar.

This petition stands accepted accordingly.

(GURVINDER SINGH GILL)
JUDGE

29.08.2018
Gaurav Sorot

Whether reasoned / speaking? **Yes / No**

Whether reportable? **Yes / No**