IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-33495-2018 (O&M)
Date of Decision:-13.9.2018

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.

Ms. Simranjeet Kaur, AAG, Punjab.

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The petitioners Dalip Kumar Verma, Pawan Kumar, Rakesh Kumar Verma, Vijay Kumar Verma and Ajit Singh seek their release on regular bail in respect of a case registered against them vide FIR No.248 dated 19.11.2014 under Sections 406, 420 read with Section 120-B of Indian Penal Code, 1860 at Police Station Morinda, District Rupnagar, Punjab.

The case of prosecution, as per FIR lodged at the instance of Jujhar Singh is that the petitioners Dalip Kumar Verma, Pawan Kumar, Rakesh Kumar Verma and Vijay Kumar Verma are Directors of Prachi Gas Bottling 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 cylinders in question to the complainant but subsequently despite having taken huge amount the cylinders were not supplied. It is thus alleged that complainant-Jujhar

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Singh, Proprietor of M/s Tulsiya Gas Agency was cheated of an amount of ₹ 37,55,400/-.

Learned counsel for the petitioners has submitted that the dispute in question is purely civil in nature 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 to Annexure P-7. Learned counsel has today also shown 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 while the aforesaid position of grant of bail is several other identical cases has not been disputed by the learned State counsel, it has been 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 petitioner does 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 cases is colossal but the investigation and the trial seems to be proceeding at snail's pace. Although the FIR in the present case was

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registered way back in the year 2014, the 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 has 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 Rupnagar.

This petition stands accepted accordingly.

(Gurvinder Singh Gill)
Judge

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Whether speaking /reasoned Yes / No

Whether Reportable Yes / No

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