

**IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH**

**CRM-M-40427-2018
Date of decision: 25.09.2018**

Vijay Verma

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Vivek Gupta, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

This petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 6 dated 19.10.2016, registered under Sections 406, 420, 467, 468, 471, 120-B of the IPC and Sections 4 and 5 of the Prize Chits and Money Circulation Schemes (Banning) Act, 1978 at Police Station State Crime Branch, S.A.S. Nagar (Mohali).

Learned counsel for the petitioner submits while deciding the regular bail applications of co-accused Lalit Khurana, Baghwant Singh, Amandeep Singh and Beant Singh in CRM-M Nos. 18477, 21362, 22740, 23098 of 2018, respectively, the following order was passed :-

“Learned senior counsel for petitioner Lalit Khurana submits that the police has submitted two reports under Section 173 Cr.P.C. before the trial Court and there is no evidence against the petitioner in these two aforesaid reports and only statement of one Vikram has been recorded, in which he has stated that he has deposited an

amount of Rs.25 lacs in the Crown Credit Company. It is further submitted that the petitioner is in judicial custody since 25.12.2017 and it being a magisterial trial, it will take long time in conclusion of the trial, as the prosecution is contemplating to file yet another supplementary challan. Learned senior counsel has further submitted that the petitioner himself is an investor in the company. Learned senior counsel for Baghwant Singh has submitted that the petitioner, who is 70% handicap person, was working as an employee of the company and he is in judicial custody since 25.12.2017. Learned senior counsel for Beant Singh submits that the allegations against the petitioner are of similar nature and he is also in judicial custody since 25.12.2017. Learned senior counsel for petitioner Amandeep Singh has submitted that the petitioner is in judicial custody since 10.03.2017 and similar allegations are levelled against him. Learned State counsel, on instructions from Inspector Suman and assisted by learned counsel for the complainant, has however opposed the prayer for bail on the ground that number of investors have made the statements before the police, forming part of the report under Section 173 Cr.P.C. that on the allurements made by the petitioners, the victims have made investments in the aforesaid company and they have been cheated of their hard-earned money. Learned State counsel has further submitted that one co-accused namely Jaswinder Singh Kaler, who was granted the regular bail by this Court vide order dated 28.07.2016 passed in CRM-M-21793-2016, has absconded from the Court proceedings and is not appearing before the trial Court. It is further submitted that during the investigation, it has come on record that some amount has been transferred to another company

Zuflo, which is run by aforesaid Jaswinder Singh Kaler. After hearing learned counsel for the parties and without commenting anything on merits of the case, considering the fact that the petitioners are in judicial custody since long and the report under Section 173 Cr.P.C. has been submitted before the trial Court; offences are triable by the Court of Magistrate and also in view of the fact that since the police is still contemplating to file another supplementary challan, it will take some time in conclusion of the trial, it being a magisterial trial and in view of the judgment in Manoranjana Sinh @ Gupta Vs. Central Bureau of Investigation, 2017 (1) RCR (Crl.) 1025, wherein the Hon'ble Supreme Court has granted the concession of bail to the accused persons, who were involved in a scam of more than Rs.10,000/- crores considering the length of custody and observing that the undertrial prisoner cannot be detained for a definite period and it would amount to violation of Article 21 of the Constitution of India, these petitions are allowed and the petitioners are granted regular bail subject to the following conditions: -

(a) the petitioners will furnish bail bonds/two sureties of Rs.1.00 lacs each to the satisfaction of the trial Court/Duty Magistrate/Illaqa Magistrate.

(b) the petitioners will furnish FDRs of Rs.5.00 lacs each in the name of the Chief Judicial Magistrate, SAS Nagar (Mohali) along with an undertaking that in case the petitioners failed to appear before the trial Court or abscond from the Court proceedings, the FDR amount of Rs.5.00 lacs shall stand forfeited to the State.

(c) the petitioners will appear before the Investigating Officer, in case any other co-accused is arrested and the petitioners are required for further investigation in this regard, on receiving a notice from the Investigating

Officer.

(d) the petitioners will also surrender their passports, if any and will not leave India without prior permission of the Court.

Petitions are disposed of.”

Learned counsel for the petitioner further submits that the petitioner is in judicial custody since 20.01.2018 and has undergone 07 months and 28 days of actual custody and the conclusion of the trial is likely to take a long time.

Learned State counsel, on instructions from Inspector Kulwant Singh, has not disputed the factual position.

I have heard learned counsel for the parties.

Without making any comment on the merits of the case, considering the fact co-accused of the petitioner have already been granted concession of regular bail, as noticed above, and also in view of the fact that the trial is likely to take some time, this petition is allowed and the petitioner is ordered to be released on regular bail, subject to the following conditions :-

(a) the petitioner will furnish bail bonds/two sureties of Rs.1.00 lacs each to the satisfaction of the trial Court/Duty Magistrate/Illaqa Magistrate.

(b) the petitioner will furnish an FDR of Rs.5.00 lac in the name of the Chief Judicial Magistrate, SAS Nagar (Mohali) along with an undertaking that in case he failed to appear before the trial Court or abscond from the Court proceedings, the FDR amount of Rs.5.00 lac shall stand forfeited to the State.

(c) the petitioner will appear before the Investigating Officer, in case any other co-accused is arrested and the petitioner is required for further investigation in this

regard, on receiving a notice from the Investigating Officer.

(d) the petitioner will also surrender his passports, if any and will not leave India without prior permission of the Court.

September 25, 2018

Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No