

CRM-M-12732 of 2020 (O&M)

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**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

CRM-M-12732 of 2020 (O&M)

Date of decision:08.06.2020

Kuldeep

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Rahul Sharma, Advocate
for the petitioner.

Mr. Sukhdeep Parmar, DAG, Haryana.

Mr. Manish Soni, Advocate
for the complainant.

SUVIR SEHGAL J.

The Court has been convened through video conferencing due to Covid-19 pandemic.

The present petition has been filed by Kuldeep son of Om Parkash, who is confined in Central Jail-II, Hisar, for grant of regular bail during the pendency of trial in FIR No.578 dated 04.10.2018 under Sections 420, 406, 120-B, and 34 of Indian Penal Code, 1860 and Sections 3, 4, 5 and 6 of The Prize Chits and Money Circulation Scheme (Banning) Act, 1978 registered at Police Station City Fatehabad, District Fatehabad.

In brief, on a complaint made by Vikram and 99 other persons, the above mentioned FIR was registered against (i) Pardeep Sihag (ii) Ajay Beniwal, son of Ved Parkash, (iii) Rajesh, son of Dalip Singh and (iv) Kuldeep, son of Om Parkash, the present petitioner. The complainants

alleged that the said accused had fraudulently deceived innocent people and their families and lured them with a promise to double their money within a short period of time. The accused took full responsibility and made people invest huge amount of money in RTGS Account No.50457866262 of Allahabad Bank, Hisar Branch in the account of M/s RTPS Life Care Private Limited, a chit fund company. Money was invested through RTGS was even taken by the petitioner and other accused in cash for the purpose of investment.

Counsel for the petitioner submits that the petitioner is in custody since 20.06.2019 i.e. for almost last 01 year. He submits that the investigation is already complete, challan has been filed and the trial is likely to take a long time. His argument is that the allegations against the petitioner and co-accused are that they had cheated a number of persons by running a chit fund company. However, there is no document in the possession of the investigating agency to show that the petitioner is in anyway associated with the said company. Further he submits that the allegation that the petitioner was the “System Manager-Administrator” is not substantiated. He has placed reliance upon the order dated 16.11.2019 (Annexure P-6) passed by this Court whereby a co-accused Rajesh has been granted anticipatory bail. He has further placed reliance upon two orders, Annexures P-2 and P-3, whereby the petitioner was granted regular bail by the Additional Sessions Judge in two other FIRs with almost similar allegations.

On the other hand, the petition has been opposed by Mr.Sukhdeep Parmar, D.A.G., Haryana assisted by Mr.Manish Soni, counsel for the complainant. Mr. Parmar on instructions from ASI Birbal has submitted that statements of 135 persons have been recorded under Section 161 Cr.P.C who have alleged that the petitioner had tempted people with false promises of significant profits by investing money in the chit fund company. He submits that charges were framed on 10.02.2020. As per his instructions, there are 168 prosecution witnesses who are to be examined. His further submission is that the petitioner is involved in number of cases of similar nature and an amount of more than Rs.59.17 crores is involved out of which only Rs.17.00 crores have been deposited in the bank and an amount of Rs.50.00 lakhs has come to the share of the petitioner. He apprehends that there is possibility of the petitioner running away and trying to pressurize the witnesses. It has still further been pointed out that the co-accused of the petitioner, namely, Ajaypal *alias* Dilbag, had sought regular bail from this Court which petition was dismissed as withdrawn on 28.01.2020.

I have considered the rival submissions of the parties.

No doubt, the charges were framed on 10.02.2020, but since March 2020, the country is under lockdown and the Courts are not functioning normally. As a result, no prosecution witness has been examined. However, the petitioner cannot get any benefit of this situation. Mere fact that the trial is likely to take sometime, will not go to the advantage of the petitioner.

The material collected during the course of investigation and submitted by the investigating agency alongwith a challan will be tested before the trial Court. The co-accused of the petitioner, Rajesh who had been granted anticipatory bail by this Court, vide order dated 16.11.2019 (Annexure P-6) was working as a Peon with the chit fund company. No direct and specific role has been attributed against Rajesh. Whereas specific allegation of entrustment of money has been levelled against the present petitioner. He, alongwith other accused, have cheated people of money running into crores of rupees. The fact that the petitioner has been granted bail in two other FIRs, vide orders Annexures P-2 and P-3, will not be of any help to the petitioner as he has not been named in the said FIRs.

The State counsel has expressed apprehension that the petitioner may flee since he is already on bail in the other two FIRs. The apprehension of the State counsel that the petitioner may try to pressurize the witnesses also cannot be ignored. There is possibility that the petitioner, if released on bail, may interfere in the trial or tamper with evidence.

Keeping in view the above circumstances, the petitioner does not deserve the concession of bail.

The petition is accordingly dismissed.

It is clarified that the observation made herein above shall not be construed to be an expression of opinion on the merits of the case.

June 08, 2020

savita

Whether Speaking/Reasoned

Whether Reportable

(SUVIR SEHGAL)

JUDGE

Yes

Yes