

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

208**Date of decision: 05.11.2020**

1.

CRM-M-13765-2020**Vikram Singh****.....Petitioner****versus****State of UT Chandigarh****....Respondent**

2.

CRM-M-3554-2020**Vikram Singh****.....Petitioner****versus****State of UT Chandigarh and Anr.****....Respondents****CORAM: Hon'ble Mr. Justice Girish Agnihotri****Present: Mr. Arvind Kashyap, Advocate, for the petitioner.****Mr. Rajiv Vij, APP, for U.T., Chandigarh.***(the aforesaid presence is being recorded through video**conferencing since the proceedings are being conducted in Virtual Court).***********GIRISH AGNIHOTRI, J. (Oral)**

This order shall dispose of CRM-M No.13765 of 2020 and CRM-M No.3554 of 2020 as common issues are involved. For the sake of convenience, CRM-M No.13765 of 2020 is being treated as the lead case.

Petitioner-Vikram Singh, stated to be aged 45 years, has filed the present petitions *inter alia* with a prayer for grant of regular bail in case FIR No.43 dated 15.03.2014, under Section 420 IPC, registered at Police Station Sector 19, Chandigarh.

Learned counsel for the petitioner by making reference to the

petition submits that in fact the petitioner was doing business of sale and purchase of real estate in the year 2012. It is also a pleaded case that he was doing some business on the basis of some Chit Funds Companies (Committees). Learned counsel then refers to the FIR dated 15.03.2014, wherein complaint has been made by one Sunil Chopra, with the allegations that 7 persons named therein have allegedly cheated him. Amongst these 7 persons, the petitioner has also been named. Learned counsel further submits that there is a reference to an agreement to sell dated 25.10.2012 but no civil suit was filed nor any suit for possession was allegedly filed by the complainant.

Learned State counsel, on instructions from ASI Pardeep, Crime Branch, submits that the petitioner was ultimately arrested on 16.10.2019. After completing the investigation, challan has been presented. There are total of 7 witnesses but one has been examined till date. He further submits that there are 9 other cases in which the petitioner is allegedly involved. Learned counsel further submits that the petitioner was arrested while travelling on a fake passport. He then submits that in case, he is released on bail, he is likely to indulge again in same/similar crime.

Faced with the situation, learned counsel for the petitioner submit that he has instructions from the petitioner and his family members that in order to show their *bona fides*, the petitioner and his family members are ready to deposit bank gaurantee/original property papers worth Rs.15 lakhs (in the name of petitioner or any of his relatives) with an undertaking that he would not create any encumbrance or sell the said property during the trial.

The petitioner would also give an undertaking that he would not involve himself in any other case after the present case and in case he is found involved and found guilty in any other subsequent case (today onwards), the above said property can be confiscated and the amount so realized be forfeited in the Government Treasury.

Counsel for the petitioner then submits that due to the present COVID-19 situation, detention of the petitioner in jail would be dangerous to his life and also the fact that trial is likely to take some time, the petitioner may be granted concession of regular bail.

In view of the peculiar facts as noticed above, considering the existing situation due to COVID and the fact that trial is likely to take time, this Court deems it appropriate to release the petitioner on regular bail to the satisfaction of Chief Judicial Magistrate/Duty Magistrate concerned, subject to his furnishing bail bonds/surety bonds.

In addition to the bail bonds/surety bonds, in pursuance to the offer made by the counsel, the petitioner would deposit bank guarantee/original property papers worth Rs.15 lakhs (in the name of the petitioner or any of his relatives). Petitioner would further give an undertaking that he or his family members would not create any encumbrance or sell the said property during the trial. The petitioner would also give an undertaking that he would not involve himself in any other case after the present case and in case, he is found involved and found guilty in any other subsequent case (today onwards), the above said bank guarantee/property shall be confiscated and the amount so realized i.e.

Rs.15 lakhs be forfeited and deposited in the Government Treasury. The same shall be without prejudice to defence of the petitioner before the trial Court.

However, it is made clear that anything observed herein shall not be construed as an expression on merits of the case.

Disposed of accordingly.

05.11.2020.
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(GIRISH AGNIHOTRI)
JUDGE

Whether speaking/ reasoned:	Yes/No
Whether Reportable:	Yes/No