

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

CRM-M-17673-2020 (O&M)

Date of decision: 08.09.2020

Ajaypal alias Dilbag

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. P. S. Jammu, Advocate
for the petitioner.

Mr. Sumit Jain, Addl. A.G., Haryana.

Mr. Manish Soni, Advocate
for the complainant.

ARVIND SINGH SANGWAN, J. (Oral)

This is the second petition that has been filed under Section 439 Cr.P.C. read with Section 437(6) Cr.P.C. for grant of regular bail to the petitioner in case FIR No. 578 dated 04.10.2018, registered under Sections 420, 120-B, 34 of the IPC and Sections 4, 5 and 6 of the Prize Chits and Money Circulation Scheme (Banning) Act, 1978 (*for short 'PCMCS Act'*) at Police Station City Fatehabad, District Fatehabad.

The first petition, bearing CRM-M-37050-2019, was dismissed as withdrawn on 28.01.2020.

Learned counsel for the petitioner submits that as per allegations in the FIR, registered against the accused persons at the instance of one Vikram and other victims, it is stated that a chit fund company namely RTPS Life Care Pvt. Ltd. has fraudulently deceived many persons, their family and friends by alluring them to double their money. On this, the police registered the aforesaid FIR and during investigation, the petitioner and other accused

were arrested.

Learned counsel for the petitioner further submits that petitioner himself is one of the investors and the company was owned by Sandeep Kumar, Managing Director and Raj Kumar, Director.

Learned counsel further argues that during investigation, the police found that three bank accounts were opened by the accused in the name of the company, which were operated by accused Raj Kumar and Sandeep Kumar and an amount of Rs. 2.5 Lakh already stands deposited in the account of petitioner.

Learned counsel further submits that petitioner has falsely been implicated in this case; investigation is complete and even charges have been framed on 23.10.2019, however, due to Covid-19 situation, no prosecution witness has been examined though a number of prosecution witnesses have been cited. Learned counsel for the petitioner relied upon the zimini orders passed by the trial Court to show that no witness has been examined after framing of charges.

Learned counsel further submits that apart from merits, the petitioner is entitled to bail under Section 437(6) Cr.P.C. It is submitted that petitioner is in long custody and, therefore, he should be granted concession of bail.

Learned counsel for the petitioner further submits that some of the co-accused have already been granted concession of anticipatory bail.

In reply, learned State counsel, assisted by learned counsel for the complainant, opposes the prayer of petitioner on the ground that during investigation, it has been found that a number of investors made investments on the allurements made by petitioner and other accused and the accused

persons enticed them to invest a huge money. The details of the amount invested by the victims are given with the report submitted under Section 173 Cr.P.C. and it has been found that the total business of the company was of about Rs. 59 Crore and only Rs. 14 Crore was deposited in the bank.

Learned State counsel further submits that there are serious allegations against the petitioner as he, in conspiracy with other accused persons, has played fraud with the victims and has misappropriated their amount which they have deposited with the company in good faith.

Learned State counsel further argues that petitioner is involved in some other FIRs of similar nature as the accused persons have duped a number of persons in other cities as well.

With regard to arguments raised for grant of bail under Section 437(6) Cr.P.C., learned State counsel argues that it is the discretion of the trial Court to grant default bail by citing reasons and the Chief Judicial Magistrate, vide order dated 25.05.2020, has declined to grant bail under the provisions of Section 437(6) Cr.P.C. in view of the gravity of offence and even the Court of Sessions has also dismissed the same, vide order dated 05.06.2020.

It is further submitted that both the Courts below have held that accused persons are facing trial and the allegations against them are serious in nature involving commission of offence of criminal breach of trust and cheating along with offence punishable under the provisions of PCMCS Act as there are allegations of cheating various persons for an amount of Rs. 41.4 Crore. Even in the supplementary challan, further allegations have come against the petitioner and, therefore, he is not entitled to bail even under Section 437(6) Cr.P.C.

Learned State counsel further submits that both the Courts below have assigned good reasons for not granting bail under Section 437 (6) Cr.P.C.

After hearing learned counsel for the parties, without commenting anything on the merits of the case, I find no ground to grant concession of bail to petitioner as the allegations against him and other co-accused are serious in nature. This Court also finds no reason to differ with the opinion formed by the trial Court as well as Court of Sessions declining the bail under Section 437(6) Cr.P.C. as sufficient reasons have been assigned for the same.

Accordingly, the present petition is dismissed.

08.09.2020

Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No