

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-20615-2020 (O&M)
Date of Decision:-02.09.2020.

Mahinder Singh and another

.....Petitioners

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE SANJAY KUMAR

Present: Mr. Harpreet Singh Jakhal, Advocate for the petitioners.

Mr. Gaurav Garg Dhuriwala, Senior DAG, Punjab.

Mr. Karandeep Singh Sidhu, Advocate for respondent No.2.

SANJAY KUMAR, J. (Oral)

CRM-21543-202

This application is ordered and the documents are taken on record.

CRM-M-20615-2020

The petitioners are the accused in FIR No.141 dated 25.06.2020 on the file of Police Station City Fazilka, Tehsil and District Fazilka, registered under Sections 420 and 120-B IPC. By way of this petition, they seek anticipatory bail under Section 438 Cr.P.C.

The complainant got impleaded as the second respondent and opposed the bail petition.

The case of the prosecution is that the petitioners induced the complainant to invest his monies to the tune of over ₹ 17,00,000/- in a concern, by name, Sure Gain Solutions Company. Further, they were stated to have also obtained an additional sum of ₹ 3,90,000/- from the complainant. The complainant retired from Army service and these monies were part of his retiral benefits.

Though Mr. Harpreet Singh Jakhal, learned counsel for the petitioners, would state that his clients also invested their monies in the same concern and were duped, the said contention is of no relevance at this stage. Mr. Karandeep Singh Sidhu, learned counsel for the complainant-second respondent, placed on record an affidavit dated 01.03.2019 executed by the petitioners, whereunder they assured the complainant that if the promised monies were not paid to him by Sure Gain Solutions Company, they would be responsible for the refund thereof. No explanation is forthcoming as to the circumstances in which this affidavit was given. No doubt, the veracity of this affidavit and its contents would have to be tested by the trial Court at the relevant time, but as matters stand, the same implicates the petitioners to the hilt. Given the serious nature of the allegations made against the petitioners and the fact that several innocent villagers seem to have been duped in the name of this concern, no grounds are made out for grant of pre-arrest bail.

The petition is devoid of merit and is accordingly dismissed.

September 02, 2020.

sandeep

Whether speaking/reasoned:-

Whether Reportable:-

(SANJAY KUMAR)
JUDGE

Yes / No

Yes / No.