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Date of Decision: 12.03.2020

Dalip Kumar Verma and others ... Petitioners

v/s

State of Punjab **... Respondent**

CRM-M-48009-2018 (O&M)

Dalip Kumar Verma and others ... Petitioners

v/s

State of Punjab **... Respondent**

CRM-M-11263-2019 (O&M)

Dalip Kumar Verma and others ... Petitioners

v/s

State of Haryana ... Respondent

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Aditya Sanghi, Advocate
for the petitioners.

Mr. Balbir Singh Sewak, Addl. AG Punjab assisted by
ASI Parminder, ASI Balwinder and ASI Suvinder.

Mr. Baljinder Singh Virk, DAG Haryana assisted by
ASI Mainpal.

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VIVEK PURI, J. (ORAL)

This order will dispose of regular bail applications filed by the

petitioners pertaining to the following three FIRs:-

CRM-M-48884-2018 (O&M)
CRM-M-48009-2018 (O&M)
CRM-M-11263-2019 (O&M)

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1. CRM-M-48884-2018; Petitioners-Dalip Kumar Verma, Pawan Kumar, Rakesh Kumar Verma and Vijay Kumar Verma in FIR No. 88 dated 08.08.2015 registered under Sections 406/420/120-B of IPC at Police Station City Gurdaspur.
2. CRM-M-48009-2018; Petitioners-Dalip Kumar Verma, Pawan Kumar, Rakesh Kumar Verma and Vijay Kumar Verma in FIR No. 81 dated 19.04.2017 registered under Sections 406/420/120-B of IPC at Police Station Division No. Basti Bawa Khel, Jalandhar.
3. CRM-M-11263-2019; Petitioners-Dalip Kumar Verma, Pawan Kumar and Vijay Kumar Verma in FIR No. 94 dated 18.02.2017 registered under Sections 420, 467, 468, 471 and 120-B of IPC at Police Station Pehowa, Haryana District Kurukshetra.

Briefly, the FIRs have been registered on the allegations that the petitioners are running the business in the name and style of Prachi Gas Bottling Private Limited indulging in supply of gas cylinders to various distributors and dealers. The complainants were appointed as dealers/distributors by the petitioners on taking huge amount on account of licence fee and security fee. The supply was made for a period of about two years and subsequently, the supply of gas cylinders was stopped.

It has been stated by learned counsel for the petitioners that the supply was stopped on account of increase in price at the level of the Government and on that score the dispute arose between the petitioners and the distributors/dealers. About 110 FIRs have been registered against the petitioners in the States of Punjab, Haryana, Himachal Pradesh and Rajasthan. It has also been stated that in almost all the cases except the

present ones, the petitioners have been released on bail vide different orders passed by the Co-ordinate Benches of this Court. It has also been stated that in about 35 cases acquittal has been recorded and in about 5 to 6 cases they have been convicted and the appeals are pending before the Court of Sessions.

Learned State counsel, on instructions from ASI Parminder, ASI Balwinder, ASI Suvinder and ASI Mainpal, have not disputed the factual position as projected by learned counsel for the petitioners.

It has also been brought to the notice of the Court that the petitioners were arrested on 14.5.2018, 15.5.2018 and 25.9.2018 in the FIRs which are subject matter of CRM-M-48009-2018, CRM-M-48884-2018 and CRM-M-11263-2019 respectively.

It has also been pointed out by learned State counsel that the magnitude of fraud is to the tune of about Rs. 28 Lakhs, about Rs. 5 Crores and about Rs. 60 Lakhs respectively in the aforesaid three cases. Furthermore, it has also been stated that challans have already been presented and the trial is pending.

Although, the magnitude of fraud is stated to be quite high but it remains a fact that the petitioners have been granted bail in the similar cases which have been registered against them vide different orders passed by the Co-ordinate Benches of this Court. Copies of significant number of orders have also been placed on record. Copy of one of the judgments in which acquittal has been recorded has also been placed on record. The offences are triable by the Judicial Magistrate First Class. Custodial interrogation of the petitioners is over and they have been remanded to

CRM-M-48884-2018 (O&M)
CRM-M-48009-2018 (O&M)
CRM-M-11263-2019 (O&M)

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judicial custody.

Considering the above and the fact that the trial is likely to consume some time, further detention of the petitioners may not be justified. Therefore, without making any expression of opinion on the merits of the case, it is ordered that the petitioners be released on regular bail subject to their furnishing fresh bail bonds/surety bonds to the satisfaction of the concerned trial Court/Chief Judicial Magistrate/Duty Magistrate.

The petitions are allowed.

12.03.2020
Janki

(VIVEK PURI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No