

**CRM-M-5062-2019(O&M) and  
CRM-M-1518-2020(O&M)**

**:-1:-**

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

**1. CRM-M-5062-2019(O&M)**

Kulpreet Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

**2. CRM-M-1518-2020(O&M)**

Rachhpal Singh and others

..... Petitioners

Versus

State of Punjab and others

..... Respondent

**Date of decision :-6.7.2021**

**CORAM : HON'BLE MR. JUSTICE H.S. MADAAN**

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Present : Mr.J.S. Dadwal, Advocate  
for the petitioner in **CRM-M-5062-2019** &  
for respondent No.6 in **CRM-M-1518-2020**..

**Ms.Satpreet Grewal Kapila**, Advocate  
for the petitioners in **CRM-M-1518-2020**.

Mr.J.S. Ghuman, DAG, Punjab.

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**H.S. MADAAN, J.**

Cases taken up through video conferencing.

Vide this order, I shall dispose of two petitions i.e. **CRM-M-5062-2019** and **CRM-M-1518-2020**.

**CRM-M-5062-2019** has been filed by petitioner Kulpreet Singh, aged 35 years being an accused in FIR No.380 dated 28.12.2018, under Sections 420 and 120-B IPC, registered with Police Station Shimlapuri, District Ludhiana for grant of pre-arrest bail. Whereas **CRM-M-1518-2020** has been filed by petitioners – complainants Rachhpal Singh and others praying for issuance of directions to official respondents to file final report in this very case.

Briefly stated, the facts of the case as per the prosecution version are that complainants Rachhpal Singh and others had submitted a written complaint to Commissioner of Police, Ludhiana contending therein that Jaswinder Singh, Kulpreet Singh (present petitioner) and Darshan Singh had formed a company under the name and style of HTI Multi Trade Limited having its head office at Dana Mandi, Gill Road, Ludhiana. Jaswinder Singh happened to be Managing Director, whereas Kulpreet Singh and Darshan Singh as Directors of that company; the company was engaged in the business of networking and it induced people to invest money with it; several persons were allured to invest crores of rupees with the company; however, the investors were not returned the money deposited by them, in that way, Jaswinder Singh, Kulpreet Singh (present petitioner) and Darshan Singh had cheated innocent persons from general public and their money running into crores of rupees. On receipt of the complaint, the matter was probed and it was found that the company used to induce people to invest money with it promising to return the double of the invested amount within two years and about 400-500 persons had invested their

money with the company. Thereafter, formal FIR in the matter was recorded.

Apprehending his arrest in this case, petitioner/accused Kulpreet Singh had approached the Court of Sessions at Ludhiana seeking grant of pre-arrest bail by way of filing an application, which was assigned to learned Additional Sessions Judge, Ludhiana. However, his such application was dismissed by the said Court vide detailed order dated 21.1.2019. As such, he has approached this Court asking similar relief and filed **CRM-M-5062-2019**, notice of which has been issued to respondent - State, which put in appearance through State counsel. The complainants have also appeared through counsel.

I have heard learned counsel for the parties besides going through the record.

First coming to **CRM-M-5062-2019** filed on behalf of petitioner/accused Kulpreet Singh for grant of pre-arrest bail.

Pre arrest bail is a discretionary relief and is to be granted in exceptional cases and not in routine. It is meant to save the innocent persons from harassment and inconvenience and not to screen the culprits from arrest and custodial interrogation.

In the present case, the petitioner/accused Kulpreet Singh is specifically named in the FIR being Director of the company, which had cheated the investors of their hard earned money running into crores of rupees. Though it has been contended on behalf of the learned counsel for the petitioner that petitioner has nothing to do with the company in question

and as a matter of fact he is doing his separate business as a travel agent having licence for doing so but that contention is negated from the fact that after being named in the complaint when a probe was conducted by the police, he was found to be associated with the company as a Director and as such his name figures in the FIR also.

Learned counsel for the complainants has pointed out that in the connected petition bearing **CRM-M-1518-2020**, the petitioners/complainants have placed on file copy of Form DIR-2, which was submitted by the present petitioner to the company conveying his consent to act as an Additional Director. Certified copy of resolution passed in meeting of Directors of the company held on 2.7.2018 at 4:45 p.m. at registered office of the company goes to show that in terms of resolution passed, the present petitioner Kulpreet Singh was appointed as an Additional Director of the company w.e.f. 2.7.2018. Therefore, the petitioner cannot wash his hands off the matter and come up with a straight face stating that he has nothing to do with the company and is running his separate travel agency business, therefore he has not committed any offence of cheating.

As pointed out by the State counsel the other two persons named in the FIR i.e. Jaswinder Singh – Managing Director and Darshan Singh – Director are absconding and even against the present petitioner proceedings for declaring him as proclaimed offender have been initiated; further the petitioner has not joined the investigation, in that way his custodial interrogation is required.

Under the circumstances, it is found that the custodial interrogation of the petitioner is a must for complete and effective investigation to take into possession the necessary documents and to recover the money deposited with the company by the investors. In case custodial interrogation of the petitioner is denied to the investigating agency that would leave many loose ends and gaps in the investigation affecting the investigation being carried out adversely, which is not called for.

Thus, **CRM-M-5062-2019** filed by petitioner Kulpreet Singh stands dismissed.

Now coming to **CRM-M-1518-2020** filed on behalf of petitioners/complainant Rachhpal Singh and others. Learned State counsel on instructions from ASI Ranjeet Singh has stated that none of the named accused in this case has been arrested and proceedings for declaring them as proclaimed offenders are pending before learned Area Magistrate, now fixed for 23.8.2021, although every effort shall be made to apprehend the accused but even if the efforts proved futile after getting the accused declared as proclaimed offenders, challan would be filed against them in the Court at the earliest.

In view of such statement made by the State counsel, no further action in petition bearing **CRM-M-1518-2020** is called for. The same stands disposed of accordingly.

**( H.S. MADAAN )  
JUDGE**

**6.7.2021**  
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1. Whether reportable? **No**
2. Whether speaking / reasoned? **Yes**