

In virtual Court

CRM-M-18107-2021

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

CRM-M-18107-2021 (O&M)

Date of decision: 13.05.2021

Rajbeer Singh Mahal

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. D.S. Sobti, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of anticipatory bail in FIR No.214 dated 03.11.2017 under Sections 420, 120-B IPC, registered at Police Station Beas, District Amritsar Rural.

It is worth noticing that FIR was registered on 03.11.2017 and challan against some of co-accused have already been presented, whereas the petitioner is evading his arrest for the last about 03 years.

Learned counsel for the petitioner, at the very outset, submits that

two co-accused of the petitioner namely Jagjit Singh and Sukhjinder Pal Singh have already been granted the concession of anticipatory bail vide orders dated 01.05.2019 passed in CRM-M-36735-2018 and CRM-M-39478-2018 respectively and therefore, the petitioner may also be granted the concession of anticipatory bail.

Learned counsel further submits that as per allegations in the FIR, the petitioner, in conspiracy with other accused persons, was running a Lucky Draw scheme in the name and style of New Hope and has defrauded 1900 persons of general public. It is further alleged that the modus operandi of the petitioner in committing the fraud, by using the name of other companies/concerns and by giving fake promise of providing LEDs and motorcycles to winners of the Lucky Draw and thus has collected huge amount from the general public and defrauded them.

It is further submitted that there was agreement between the companies and the persons, who had invested their money, to refund the same by giving 1% interest for the invested amount for a period of 18 months and 24 months. It is also submitted that some of the complainants have already been provided the LEDs as per promise made by the company. Learned counsel has relied upon certain documents to show that the LEDs and motorcycles were to be given to the persons, who were successful in the Lucky Draw.

Learned State counsel has, however, opposed the prayer for bail on the ground that the petitioner is main accused, as he was the person, who was managing New Hope, which has offered the general public to invest their

money in the name of Lucky Draw scheme. It is further submitted that the petitioner is one of the member of Board of Directors and he was incharge of running the lotteries, which resulted into cheating of several persons. It is also submitted that the petitioner, apart from New Hope, was running some other companies under the name and style of Proxilute, Winning Edge, Jaynob and Daily Soppi and has defrauded the general public of their huge amount. It is next submitted that there are many complaints pending against the petitioner.

Learned State counsel has further submitted that the petitioner is evading his arrest since 2017, therefore, the investigation could not be completed, though the challan against other accused has already been presented. It is further submitted that case of the petitioner is on different footings that of co-accused Sukhjinder Pal Singh, as the allegations against him were that he was a dealer of LED company, which was to supply LEDs on asking of the petitioner and there is no allegation against him that he was directly involved in the investment by the victims. Similarly another co-accused Jagjit Singh was a partner in M/s Sonu Autos, a motorcycle dealer and he has also entered into an agreement with New Hope for bulk supply of motorcycles on asking of the petitioner and there is no allegation against him that he had taken any money from the general public, whereas allegations against the petitioner are that he is director of New Hope, which has allured the innocent persons to invest their money under the garb of Lucky Draw scheme and has usurped their money.

After hearing learned counsel for the parties and considering the fact that there are direct allegations against the petitioner and his case is

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distinguishable from other co-accused, who have been granted the concession of anticipatory bail and also in view of the fact that the petitioner is evading his arrest for the last about 03 years, I find no ground to grant him anticipatory bail.

Accordingly, the present petition is dismissed.

[ARVIND SINGH SANGWAN]
JUDGE

13.05.2021
vishnu

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No