

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

(220)

CRM-M-32025-2021

Date of decision:- 16.08.2021

Gagandeep Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Gursimran Singh Madaan, Advocate
for the petitioner.

Mr. Sandeep Singh Deol, DAG, Punjab.

...

SUVIR SEHGAL, J. (ORAL)

The Court has been convened through video conferencing due to Covid-19 pandemic.

This is the first petition filed by the petitioner under Section 439 of Cr.P.C. for grant of regular bail in case FIR No.199, dated 17.07.2020 registered for offence under Sections 406, 420, 120-B of IPC, 1860, at Police Station Division No.7, Jalandhar, Annexure P-1.

As per the prosecution case, FIR, Annexure P-1, has been registered on the basis of a complaint submitted by 62 persons on the allegation that Ranjit Singh and his brother-in-law, namely, Gagandeep Singh (present petitioner), who were running M/s OLS Whizz Private Limited, have defrauded the investors of huge amount and they along with their families are absconding with the money.

Counsel for the petitioner contends that the case of the petitioner, who is in custody since 22.07.2020, is at par with that of co-accused, namely, Ranjit Singh, who has been released on bail, pending trial, by this Court vide order dated 26.07.2021, Annexure P-4, passed in CRM-M-43315-2020. In addition, he submits that the offences are triable by a Magistrate. He has instructions to state that the petitioner is willing to deposit bank guarantee/original title deeds of immovable property worth Rs.1 crore with the trial court subject to any other condition imposed by this Court.

Upon instructions, from SI Kamaljit Singh, learned State counsel has opposed the petition, though he is not in a position to distinguish the case of the petitioner from that of co-accused, namely, Ranjit Singh. He has instructions to state that even the present petitioner is involved in 10 different FIRs with almost similar allegations.

Having considered the arguments addressed by counsel for the parties, this Court is of the opinion that the petitioner is similarly situated as co-accused-Ranjit Singh and deserves to be released on bail on the same conditions as imposed in order dated 26.07.2021.

Keeping in view the nature of allegations, gravity of offence and the fact that the petitioner is in custody for the last more than one year and that the trial is likely to take time to conclude, the petitioner deserves to be enlarged on bail.

Without commenting on the merits of the case, petition is allowed. The petitioner is ordered to be released on bail on his furnishing

bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate with the following additional conditions:-

- (i) the petitioner shall deposit with the Trial Court/Duty Magistrate within a period of two weeks Bank Guarantee/original title deeds of the immovable property worth rupees one crore with an undertaking of the owner that he/she shall not dispose of/sell the property or create any rights thereon during the pendency of the trial;
- (ii) the petitioner shall surrender his passport with the Trial Court. In case, the petitioner does not possess a passport, he shall file an undertaking that he will not apply for the same during the pendency of the trial;
- (iii) the petitioner shall, in addition, give an undertaking that he will extend full cooperation to the trial Court.

In case of violation of any of the aforesaid conditions, it shall be open to the prosecution to seek cancellation of the bail.

(SUVIR SEHGAL)
JUDGE

16.08.2021
Kamal

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No