

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-32730-2021

Date of Decision: 19.08.2021

Vikas

....Petitioner(s)

Versus

State of U.T, Chandigarh

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Vinod Ghai, Senior Advocate assisted by
Ms. Kanika Ahuja, Advocate,
Ms. Kirti Ahuja, Advocate and
Mr.Edward Augustine George, Advocate, for the petitioner.

Mr. Rajeev Anand, APP, U.T, Chandigarh.

Through Video Conferencing

JASGURPREET SINGH PURI, J. (Oral)

The present petition has been filed under Section 439 of the Code of Criminal Procedure for the grant of regular bail to the petitioner in FIR No. 133 dated 08.06.2021, under Sections 420,465,467,468,471,201and 120-B IPC, registered at Police Station Sector-26, District, Chandigarh.

As per the allegations contained in the FIR a complaint was lodged by one Shweta wife of Deepak Singla by giving detailed background of the dispute between the aforesaid Deepak Singla with his cousin brother namely Arvind Singla who is the main accused in the present case. The

business started in the year 2015 and thereafter the business went into losses and some security cheques were also issued them to ways further come and thereafter dispute was started between both of them but Deepak Singla was admitted to hospital and was facing medical ailments and thereafter the relationship further went sour between them. Thereafter, in the year 2016 there is an allegation that one modified partnership deed was made on 14.06.2016 in which the complainant Shweta was inducted as a new partner in place of Arvind Singla and thereafter various other transactions took place including withdrawal of money from the banks etc. In view of the aforesaid dispute, the complainant lodged the FIR alleging various allegations against Arvind Singla and some other persons that they have committed forgery and have committed fraud upon the complainant.

Mr. Vinod Ghai, learned Senior Counsel with Ms. Kanika Ahuja, learned counsel has submitted that in the present case the petitioner was not even named in the FIR and in fact he has been falsely implicated in the present case. He submitted that even as per prosecution story the petitioner was only an employee of Arvind Singla and money was withdrawn by him from the bank on more than two occasions of different amounts but according to the learned Senior Counsel since he was only an employee of the Arvind Singla and the cheques by which the money was withdrawn was signed by Arvind Singla and, therefore, the petitioner cannot be held responsible for the same as he was otherwise duty bound to do so as an employee of Arvind Singla who is the main accused in the present case. He submitted that his name was nominated afterwards on the basis of a disclosure statement made by a co-accused only before the police and this is how the petitioner was nominated in the present case. He submitted that in the entire controversy the petitioner had got no role to play at all. Learned Senior counsel further submitted that the petitioner is in

custody since 08.06.2021, which is almost 2 months and 11 days and the investigation of the case is already complete and challan has already been presented under Section 173 Cr.P.C. before the competent Court on 02.07.2021. He further submitted that the petitioner is not involved in any other case and the entire case is based upon documentary evidence and no useful purpose will be served in case the petitioner is kept in custody for long time as the trial may also take long time and has therefore, prayed for the grant of regular bail to the petitioner.

On the other hand, learned Mr. Rajeev Anand, learned Additional Public Prosecutor, U.T. Chandigarh has submitted that so far as the custody period of the petitioner is concerned, the same is correct and it is also correct that the police has completed the investigation qua the petitioner and has presented the challan before the competent Court on 02.07.2021. He has also not disputed that the petitioner is not involved in any other case. So far as the role of the petitioner is concerned, the learned State counsel has submitted that it is correct that the petitioner was an employee of the other main accused namely Arvind Singla but he was actively involved in the withdrawal of money from the bank for more than two occasions by different cheques although the cheques were not signed by the petitioner but they were signed by Arvind Singla. He submitted that since he has connived with the main accused Arvind Singla for the purpose of committing of fraud against the complainant, he is not entitled for grant of regular bail.

I have heard the learned counsel for the parties.

The custody period of the petitioner is not in dispute. It is also not in dispute that the investigation of the case is already complete qua the petitioner and the challan stands presented before the competent Court. It is not

disputed by the learned State counsel that the petitioner is not involved in any other case. Furthermore, no recovery is to be effected from the petitioner. Furthermore, it is not the case of the State that in case the petitioner is released on bail then he may influence any witness or may tamper evidence or may flee from justice.

Therefore, without commenting on the merit of the case and considering the totality of circumstance, the present petition is allowed. The petitioner shall be released on regular bail subject to furnishing bail bonds/surety to the satisfaction of the learned trial Court/Duty Magistrate concerned.

However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is meant for the purpose of deciding the present petition only.

19.08.2021

rakesh

**(JASGURPREET SINGH PURI)
JUDGE**

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