

CRM-M-1626-2022

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-1626-2022

Date of decision: 13.12.2022

Shivjeet Singh

...Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Pawan Kumar Mutneja, Sr. Advocate with
Mr. Viranjeet Singh Mahal, Advocate,
Ms. Suverna Mutneja, Advocate and
Ms. Ekta Sharma, Advocate,
for the petitioner.

Mr. Gagandeep Singh Chhina, AAG, Haryana.

HARNARESH SINGH GILL, J. (ORAL)

Through this petition, the petitioner seeks regular bail in case bearing FIR No.420 dated 03.11.2020, registered at Police Station Sadar Fatehabad, District Fatehabad, under Sections 420, 406, 120-B, 201 and 180 IPC and Sections 3, 4, 5 and 6 of the Prize Chits and Money Circulation Scheme (Banning Act) 1978.

Learned Senior Counsel for the petitioner contends that the petitioner was the Manager of Wealth-Way Marketing Company; that it was the complainant, who had approached the company to become a member and had paid an amount of Rs.52,700/- to get six times return of it; that in lieu thereof, the Company had also given some products to the complainant. As per the FIR, the complainant had also persuaded his

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relatives to invest in the Company as it was a Prize Chits Fund and Money Circulation and he had also got invested Rs.13,00,000-14,00,000/- of his relatives and friends in the said Company.

Learned Senior Counsel further contends that out of Rs.15 lakh, an amount of Rs.8 lakh has already been returned by the Company to the complainant and other depositors; that the complainant used to promote the goods of the Company, in order to get the benefit out of it; that the petitioner has been in custody since 01.09.2021, and that no specific role has been attributed to the petitioner, but during investigation, it was carved out that the petitioner is a partner in the Company.

Learned Senior Counsel further contends that out of 42 prosecution witnesses, only 04 witnesses have been examined so far, and that co-accused, namely, Sukhchain Kumar Arora @ Chaini, who was CMD of the Company, has since been granted the concession of regular bail by this Court, vide order dated 14.12.2021 passed in CRM-M-20721-2021.

On the other hand, learned State counsel, while opposing the grant of bail to the petitioner, submits that the petitioner was having 40% share in the abovesaid Company and that an amount of Rs.1,73,30,634/- had been found deposited in the bank account of the petitioner. He also submits that the material prosecution witnesses are yet to be examined.

I have heard the learned counsel for the parties.

The complainant himself approached the Company and became a member by paying an amount of Rs.52,700/- to get six times return of it. Out of Rs.15 lakh, an amount of Rs.8 lakh has already been

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returned by the Company to the complainant and other depositors.

The petitioner has been in custody since 01.09.2021. Out of 42 prosecution witnesses, 38 witnesses are yet to be examined. So far as other cases registered or pending against the petitioner, are concerned, he has been released on bail therein. As stated above, the co-accused has already been released on bail. Therefore, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above, without commenting anything on the merits, lest it should prejudice the case of either side, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

13.12.2022

parveen kumar

(HARNARESH SINGH GILL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No