

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-9759-2022

Date of decision: 13.05.2022

Jaswinder Singh

.... Petitioner

Versus

State of Punjab

.... Respondent

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. J.S. Dadwal, Advocate
for the petitioner.

Mr. Harbir Singh Sandhu, AAG, Punjab.

PANKAJ JAIN, J. (ORAL)

Present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case bearing FIR No.0106, dated 25.06.2020, registered under Sections 406 and 420 of IPC at Police Station City Kotkapura, District Faridkot.

2. As per allegations levelled in the FIR, it has been stated by the complainants that:-

“XX XX XX XX

I Darshan Singh Gill son of Balwant Singh, resident of Street No.5, Khabbe, Hira Singh Nagar, Kot Kapura, Tehsil Kot Kapura, District Faridkot. Above said Boharh Singh, Pal Jit Kaur, Jasdeep and Jaswinder Singh @ Raju (petitioner) met me at Sikkhan Wala Road Kot Kapura. Davinder Singh son of Sohan Singh, resident of Jeet Avenue, Street No.6-R, Faridkot and Amarjit Singh son of Bakhtaur Singh, resident of Doggar Basti, Street No.3-R, Faridkot were present alongwith me. They told me

Limited Company, SCF No.95, was opened near celebration plaza, grain market, gill road, Ludhiana whose MD was the petitioner son of Balwant Singh 1713/18, 15, Guru Nanak Colony, AGNE College, Ludhiana which pays double the amount in three months. His property of millions situated at Ludhiana and thus cannot shift anywhere. His Partner Gagandeep Kaur daughter of Ranjit Singh, New Amar Nagar, Street No.6-C, Ward No. 37, Near Gopal Nagar, Ludhiana (Mobile No. 8146829279) who does the job of cashier in same office. Apart from this above said Ajaib Singh and Darshan Singh who are brothers of the petitioner. Kulpreet Singh director Hum Tum India Limited Company Ludhiana, Daljit Singh Office Incharge, Manjit Singh Assistant Office Incharge Hum Tum India Limited Company. This company has been running for almost last 3 years and doing their work honestly. If you did not receive amount from the company then I Boharh Singh and my family and doctor Jaswinder Singh son of Veer Singh, resident of Village Dewi Wala, District Faridkot shall be responsible to return the money. On taking over the responsibility by above said, I, Davinder Singh and Amarjit Singh paid the following amounts through cheque and cash amount of Rs. 23,53, 850/-. On dated 15.08.2018, the details of which are as under: Name Darshan Singh son of Balwant Singh dated 21.08.2018 Cheque No. 364820 Amount Rs. 5,76,850/-, dated 21.08.2018 Cheque No. 364821 Amount Rs. 62,000/-, dated 28.08.2018 Cheque No.364842 amount Rs. 2,85,000/-, dated 31.08.2018 cash Rs. 1,00,000/-, dated 31.08.2018 cash Rs. 1,00,000/ total amount Rs. 11,23,850/-,

Davinder Singh son of Sohan Singh dated 15.08.2018 gave an amount of Rs. 10,00,000/- to Amarjit Singh dated 15.08.2018 and amount Rs. 2,30,000/-. I and Davinder Singh handed over the cheques alongwith money to Boharh Singh and doctor Jaswinder Singh. They told us to come to Shahi Haveli, Kot Kapura Road, Faridkot on 18.08.2018 at 2'0 clock where MD of Hum Tum India Company namely Jaswinder Singh Gill (petitioner) will come. At this on dated 18.08.2018 we reached there and there we met with the petitioner MD of Hum Tum India Limited Company, Gagandeep Kaur also accompanied them, who is a partner as well son as cashier of their company. We were given an assurance by the petitioner and Gagandeep Kaur that the company does a very good business and they will returned us double the amount in three months. At that time the petitioner gave cheques year 2019 of Rs. 1,00,000/- to Davinder Singh and Rs. 50,000/- to Darshan Singh and told that our amount will be double in three months. As three months passed, we did not get our money back then we visit to Boharh Singh and the petitioner and demanded for our money. Boharh Singh abused us there and told derogatory words to us. They told us that the company was closed and they could not return our money. They also threatened to face consequences if we visited them again. They also told that they possess two revolvers and will shoot us. Therefore we and our families have a threat of life from them. That the above said accused persons inconnivance with each other played a fraud of amount Rs. 23,53,850/- with us under a conspiracy by giving a hope to double the amount.

Kindly our money must be returned to us and action must be taken against them. We shall be highly thankful to you. sd/-”

3. The petitioner has been booked for offences under Sections 406 and 420 IPC. Challan already stands presented. In the magisterial trial, the petitioner has already undergone actual custody of 5 months and 14 days.

4. Without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate, concerned.

5. Nothing observed herein shall be construed to be an expression of an opinion on the merits of the case.

(PANKAJ JAIN)
JUDGE

13.05.2022

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Whether speaking/reasoned : Yes

Whether Reportable : No