

216
**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

1. CRM-M-13326-2021 (O&M)
Date of decision : 09.11.2022

Narinder Singh
...Petitioner

Versus

State of Punjab
...Respondent

2. CRM-M-18017-2021 (O&M)
Date of decision : 09.11.2022

Ajaib Singh
...Petitioner

Versus

State of Punjab
...Respondent

3. CRM-M-18024-2021 (O&M)
Date of decision : 09.11.2022

Nahar Singh
...Petitioner

Versus

State of Punjab
...Respondent

4. CRM-M-20806-2021 (O&M)
Date of decision : 09.11.2022

Hakam Singh

CRM-M-13326-2021 (O&M) and
other connected cases

-2-

...Petitioner

Versus

State of Punjab

...Respondent

5.

CRM-M-23161-2021 (O&M)
Date of decision : 09.11.2022

Boota Singh

...Petitioner

Versus

State of Punjab

...Respondent

6.

CRM-M-11302-2021 (O&M)
Date of decision : 09.11.2022

Rajinder @ Raju Singh

...Petitioner

Versus

State of Punjab

...Respondent

7.

CRM-M-16224-2021 (O&M)
Date of decision : 09.11.2022

Sukhwinder Kaur

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Sahil Khunger, Advocate for the petitioner
(In CRM-M-13326-2021)

Mr. Ranjit S. Sidhu, Advocate and
Mr. Gopal Singh Nahel, Advocate for the petitioner
(In CRM-M-18017-2021, CRM-M-18024-2021 and
CRM-M-16224-2021)

Mr. Ishan Gupta, Advocate and
Ms. Deepali, Advocate for the petitioner
(In CRM-M-20806-2021)

Mr. G.S. Kaura, Advocate and
Ms. Kamaldeep Kaur, Advocate for the petitioner
(In CRM-M-23161-2021)

Mr. Gaurav Sharma, Advocate for the petitioner
(In CRM-M-11302-2021)

Mr. Ramdeep Partap Singh, Sr. DAG, Punjab.

VIKAS BAHL, J. (ORAL)

By this common order, seven petitions bearing No.CRM-M-13326-2021, CRM-M-18017-2021, CRM-M-18024-2021, CRM-M-16224-2021, CRM-M-20806-2021, CRM-M-23161-2021 and CRM-M-11302-2021 shall stand disposed of.

CRM-M-13326-2021 has been filed by Narinder Singh, CRM-M-18017-2021 has been filed by Ajaib Singh, CRM-M-18024-2021 has been filed by Nahar Singh, CRM-M-16224-2021 has been filed by Sukhwinder Kaur, CRM-M-20806-2021 has been filed by Hakam Singh, CRM-M-23161-2021 has been filed by Boota Singh and CRM-M-11302-2021 has been filed by Rajinder @ Raju Singh, for grant of regular bail in FIR No.9 dated 16.01.2021 registered under Sections 420, 120-B of the Indian Penal Code, 1860 and Sections 4, 5 of Prize Chits & Money

Circulation Scheme (Banning) Act, 1978, at Police Station Sandaur, District Sangrur.

Learned counsels for the petitioner(s) have jointly submitted that in the present case, the investigation is complete and challan has been presented and there are 51 prosecution witnesses, out of which, none have been examined as yet and thus, the conclusion of trial is likely to take time. It is further submitted that the case is triable by the Magistrate and the entire case is based on documents and has civil trappings. It is contended that all the petitioners have been on interim bail for the last more than one year and none of the petitioners have misused the concession of the said interim bail. It is further contended that none of the petitioners except Hakam Singh are involved in any other case and even Hakam Singh is involved in one more case in which he has already been granted bail. It is also submitted that the main accused in the present case, as per the case of the prosecution, is Gurmail Singh who is not the petitioner before this Court.

Learned counsels appearing on behalf of Narinder Singh, Sukhwinder Kaur, Rajinder @ Raju Singh and Boota Singh, have submitted that they are not even named in the FIR.

Learned counsels appearing on behalf of Nahar Singh, have submitted that in the present case, in fact, petitioner-Nahar Singh, prior to the registration of the present FIR, had given complaint dated 10.11.2020 to the SSP, Sangrur, against misdeed of Gurmail Singh and same has been annexed by the petitioner-Nahar Singh as Annexure P-2 in CRM-M-18024-2021. It is further submitted that as per the FIR, there are allegations that three complainants had paid money for doing *Akhand Paath* and were

promised the return of higher amount. It is contended that the petitioners had not fraudulently induced any person and thus, offence under Section 420 of IPC is not attracted against the petitioners.

On the other hand, learned State Counsel has opposed the present petition for grant of regular bail and has submitted that the main accused in the present case i.e. Gurmail Singh has been declared as proclaimed offender vide order dated 21.07.2020. It is further submitted that apart from three complainants, there are other victims also who had stated that the accused persons had taken money for performing *Akhand Paath* and also promised to return the money, several times more than the money which had been deposited by them. It is contended that in the FIR, it has been specifically stated by the complainants namely Davinder Singh, Jaswinder Singh and Hans Raj that they have been duped of an amount of Rs.2,50,000/-, Rs.3,90,000/- and Rs.90,000/- respectively.

This Court has heard the learned counsel for the parties and has perused the paper book.

The information in the form of a chart, depicting the date of arrest of the petitioners and the date of grant of interim bail to the petitioners is detailed as under:-

<i>Case No.</i>	<i>Petitioner's Name</i>	<i>Date of Arrest</i>	<i>Date of interim bail</i>
CRM-M-13326-2021	Narinder Singh	26.01.2021	23.06.2021
CRM-M-20806-2021	Hakam Singh	27.01.2021	27.05.2021
CRM-M-16224-2021	Sukhwinder Kaur	28.01.2021	03/08/21
CRM-M-11302-2021	Rajinder @ Raju	26.01.2021	23.06.2021
CRM-M-18017-2021	Ajaib Singh	27.01.2021	29.06.2021
CRM-M-18024-2021	Nahar Singh	27.01.2021	23.06.2021
CRM-M-23161-2021	Boota Singh	26.01.2021	24.06.2021

It is not in dispute that the investigation, in the present case, is complete and challan has been presented and there are in all 51 prosecution witnesses out of which, none have been examined as yet and thus, the conclusion of trial is likely to take time. The case is triable by the Magistrate and is based on documents. All the petitioners have been on interim bail for a period of more than one year and have not misused the said concession. The petitioners-Narinder Singh, Sukhwinder Kaur, Rajinder @ Raju, Boota Singh are not even named in the FIR. The main accused, in the present case even as per the case of the prosecution is Gurmail Singh who is not the petitioner before this Court. The petitioner-Nahar Singh had filed complaint dated 10.11.2020 to SSP Sangrur bringing about the illegalities committed by Gurmail Singh. The said complaint is prior to the registration of the present FIR dated 16.01.2021. The petitioners other than Hakam Singh are stated to be not involved in any other case. Hakam Singh is stated to be involved in one case in which he has been granted bail and as per law laid down in ***“Maulana Mohd. Amir Rashadi vs. State of U.P. and another”***, reported as ***2012 (2) SCC 382***, the facts and circumstances of the present case are to be seen and the bail application of the petitioner cannot be rejected solely on the ground that the petitioner is involved in another case. The relevant portion of the said judgment is reproduced hereinbelow:-

“As observed by the High Court, merely on the basis of criminal antecedents, the claim of the second respondent cannot be rejected. In other words, it is the duty of the Court to find out the role of the accused in the case in which he has been charged and other circumstances such as possibility of fleeing away from the jurisdiction of the Court etc.”

Keeping in view the abovesaid facts and circumstances as well as law laid down in ***Maulana Mohd. Amir Rashadi's*** case (Supra), all the petitions are allowed and orders granting interim bail to the petitioners are made absolute.

However, it is made clear that in case, any act is done by the petitioners to threaten the complainant or any of the witnesses, then it would be open to the State to move an application for cancellation of bail granted to the petitioners.

Nothing stated above shall be construed as an expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail application.

All the pending miscellaneous applications, if any, shall stand disposed of in view of the abovesaid judgment.

09.11.2022

Pawan

(VIKAS BAHL)
JUDGE

Whether speaking/reasoned:-

Yes/No

Whether reportable:-

Yes/No