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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-20198-2022 (O&M)
Date of Decision: 31.10.2022

Saurabh Singla .. **Petitioner**

Vs.

State of Haryana ..**Respondent**

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Puneet Garg and Mr. Gaurav Singla, brothers-in-law of petitioner in-person.

Mr. Sukhdeep Parmar, DAG, Haryana.

...

Manoj Bajaj, J. (Oral)

Petitioner has prayed for grant of regular bail under Section 439 Cr.P.C, pending trial in case FIR No.42 dated 26.01.2017 registered under Sections 406, 420 and 120-B IPC (Sections 467, 468 and 471 IPC and Sections 4, 5 and 6 PCMCS Act, 1978 added later on) at Police Station City Tohana, District Fatehabad. The petitioner is in custody since his arrest on 04.08.2020.

The FIR was registered on the basis of application moved by complainant Baljeet and the allegations as noticed by the ld. Sessions Judge, Fatehabad in the order dated 30.04.2022 are as under:

> "*Brief facts of the case for disposal of the instant bail application, as per police reply are that the present case has been registered on 26.01.2017, on the basis of application moved by complainant Baljeet son of Manga Ram, resident of village Meond Kalan, District Fatehabad, who, inter alia, alleged that co-accused Sandeep Kumar Singla was working in Reliance Insurance Company and accused No.2 Saurabh Singla (present applicant-accused) was son of accused No.1 Sandeep Kumar Singla. Accused No.2 (present applicant-accused) used to help accused No.1 in his work. The office of accused No.1 Sandeep Kumar Singla was situated near Ambedkar Chowk, Tohana and the same was shifted later on to Parbhakar Colony, Chandigarh Road, Tohana. Accused No.3 Avtar Singh son of Narota Singh, resident of Ward No. 3, Bassi*

Pathana, Punjab was also a partner of accused No. 1 and 2 and all of three accused persons used to sit in their office. Accused No.1 and 3 told the complainant that they had opened different companies and accused No.4 Jagjeet Singh @ Laadi son of Jasvir Singh, resident of Kothi No. 4, Main G.T. Road, Sant Vihar Colony, Jalandhar Road, near Tara Wala Pull, Amritsar was Managing Director of the said companies. Accused No.1 disclosed himself as Area Manager of the companies and turn-over of the companies was in crores. The accused persons also disclosed that their companies were approved by the government and if the complainants would invest in those companies, then, they would receive interest at the rate of 3-4% and invested amount with interest would be returned with guarantee. The accused persons disclosed the names of the companies as Capital Consultant, Bombay Investment Group, Future Choice International IFC, Crown Family Care Products Private Limited, Amritsar, Punjab Crown Group, Crown Disc Manufacturing (P.I.C) Auto and House Hold Finance India Limited (NBFC etc. company). The accused persons organized seminars in City Tohana for making investments in the said companies. Complainant Baljeet and others also received messages on their mobiles. The complainant and others due to inducement caused by the accused persons invested their hard money with the accused persons on different dates. The complainant also participated in the seminars with the accused in Delhi and Punjab. However, the accused persons failed to pay any interest after July, 2015. It is also mentioned in the police reply that complainant Baljeet had invested a sum of Rs. 21,55,000/-, Sumit Kumar had invested a sum of Rs. 09,60,000/-, Hira Singh had invested a sum of Rs. 33,00,000/-, Sukhvinder Pal had invested a sum of Rs.20,10,000/-, Om Parkash had invested a sum of Rs. 35,00,000/-, Vijay Kumar had invested a sum of Rs. 2,10,000/-, Krishan Kumar had invested a sum of Rs. 11,50,000/-, Ashwani Kumar had invested a sum of Rs. 1,00,000/-, Ravinder Kumar had invested a sum of Rs.22,00,000/- and Som Nath had invested a sum of Rs.2,00,000/- to the accused persons. During the course of investigation, sections 467, 468 and 471 of IPC; and sections 4, 5 and 6 of Prize Chits and Money Circulation Scheme (Banning) Act, 1978 were added. On 04.08.2020, the present applicant-accused Saurabh Singla was arrested, who, on interrogation, suffered his disclosure-statement regarding his involvement in the present case. After completion of investigation report under section 173 of Cr.P.C. has been submitted before the Court."

Perusal of the file reveals that the complaint dated 26.10.2016 is primarily against few companies, namely, M/s Capital Consultant, M/s

Bombay Investment Group, M/s Future Choice International IFC, M/s Crown Family Care Products Private Ltd., Amritsar, Punjab, M/s Crown Group, M/s Crown Disc Manufacturing (PLC), M/s Auto and House Hold Finance India Ltd. (NBFC etc. Company) etc., who allegedly collected money from various investors upon a promise of return @ 3-4% on their deposits. It is pointed out that the said deposits commenced w.e.f. 2012 and there is nothing to indicate the involvement of the petitioner in the crime, who has been falsely implicated being son of co-accused Sandeep Kumar Singla, against whom it is alleged that he was working as an Area Manager of those companies along with other co-accused, namely, Avtar Singh. It is further pointed out that the petitioner was an employee of M/s Playmart India Pvt. Ltd. as Chief Manager Operations where he joined on 01.02.2016 and in this regard, the attention of the court is invited to the Employer's certificate dated 30.06.2019 (Annexure P-15). As the petitioner is in custody for a long time and against him, the charges were framed on 04.03.2020, but till date no prosecution witness has been examined out of total 270 witnesses, it is prayed that the petitioner be released on regular bail.

Learned State counsel assisted by PSI Ashok Kumar has opposed the prayer, who argued that the petitioner was actively involved in the alleged commission of crime, as in all approximately a sum of Rs. 12 crores was collected by the accused persons and the petitioner and his wife issued few cheques approximately amounting to Rs. 2 crores in favour of various investors, however, during the course of hearing, it is not disputed by learned State counsel that the petitioner is not officially linked with any of the beneficiary companies, who allegedly received amount from the investors. Learned State counsel submits that no doubt the charges were framed against the petitioner on 04.03.2020, but after the arrest of proclaimed offenders Avtar Singh and Sandeep Singla, supplementary charge-sheet was submitted, whereupon charges were again framed on 18.08.2022. He has argued that as per the allegations, the petitioner along with the other co-accused used to sit in the same office, where investors used to visit to deposit their money. It is also fairly stated by learned State counsel that the investments by the investors are spread between year 2012-2016.

After hearing the learned State counsel and considering the background, this Court finds that the petitioner is in custody since his arrest on 04.08.2020 and the investigation of the case is complete, but the trial is yet to commence, as no prosecution witness has been examined so far. At present, there does not appear to be any possibility of conclusion of trial in the near future, therefore, this Court is of the considered opinion that further detention of the petitioner behind the bars may not be necessary for any useful purpose. Concededly, the petitioner is not involved in any other case, much less of similar nature, therefore, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court concerned.

The petition is allowed.

(MANOJ BAJAJ)
JUDGE

31.10.2022
Jasmine Kaur

Whether speaking/reasoned Yes No
Whether reportable Yes No