

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

CRM-M-22160-2022 (O&M)

Date of Decision:-**20.12.2022**

KRISHAN KUMAR

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

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CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

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Present:- Mr. H.S. Brar, Senior Advocate with
Mr. S.P.S. Aulakh, Advocate
for the petitioner.

Mr. Chaman Lal Pawar, Addl. A.G. Punjab.

Ms. Gurpal Kaur Dulat, Advocate
for the complainant.

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KARAMJIT SINGH, J. (Oral)

The petitioner has approached this Court seeking grant of regular bail in a case having FIR No.6 dated 19.10.2016 registered under Sections 406, 420, 467, 468, 471, 120-B IPC and Sections 4 & 5 of Prize Chits and Money Circulation Schemes Banning Act, 1978 at Police Station Punjab State Crime, Crime Wing District SAS Nagar.

The counsel for the petitioner *inter alia* contends that the petitioner was not named in the FIR, which was registered against one

Jagjit Singh, Managing Director, Crown Credit Cooperative Society and is presently lodged in custody. That the petitioner was nominated as an accused on the basis of statement of one Kamaljit Singh wherein he named the present petitioner and co-accused Ram Singh Sidhu. That co-accused Ram Singh Sidhu already stands enlarged on bail vide order dated 17.10.2017 (Annexure P-10). The counsel for the petitioner further submits that allegations against the present petitioner are that he collected ₹80/85 lacs from different persons and then handed over the said amount to co-accused Sandeep Kumar and for the said collection he charged commission worth ₹4 lacs. The counsel for the petitioner further submits that co-accused Sandeep Kumar also stands arrested and challan has been presented in this case against all the arrested accused persons and all the offences are triable by the Court of Judicial Magistrate Ist Class and the petitioner is in custody since last more than 8 months and is having no criminal history. So the prayer is made that the petitioner be released on bail.

The instant petition is opposed by the State counsel as well as counsel for the complainant. Both of whom have contended that there are serious allegations appearing on the record against the petitioner that he defrauded different persons by collecting amount of ₹80/85 lacs and thereafter embezzled the same. The counsel for the complainant has further contended that no doubt the offences are triable by the Court of Judicial Magistrate Ist Class, but there being grave allegations against the petitioners, he is not entitled to grant of regular. It is further contended that case of Ram Singh Sidhu is on totally different footing and petitioner cannot take any

benefit of order Annexure P-10, whereby petitioner-Ram Singh Sidhu was granted bail by the Coordinate Bench of this Court.

I have considered the submissions made by counsel for the parties.

At the initial stage FIR was registered against one Jagjit Singh, who proclaimed him to be MD of Crown Credit Cooperative Society and presently he is lodged in judicial custody. The names of the petitioner and Ram Singh Sidhu surfaced in the statement of one Kamaljit Singh, which was recorded by the police under Section 161 Cr.P.C. on 4.2.2019 and the copy of the said statement is Annexure P-9. Admittedly, aforesaid Ram Singh Sidhu was granted regular bail by this Court vide order dated 15.10.2018 (Annexure P-10). The petitioner was arrested on 2.4.2022. As per the reply filed by way of affidavit of Harvinder Singh Virk, Assistant Inspector General of Police, State Crime, Bureau of Investigation, Punjab dated 29.7.2022, co-accused Sandeep Kumar Singla had engaged the petitioner to lure investors to invest in Crown Credit Cooperative Society and petitioner collected ₹80/85 lacs from various persons and paid the said amount to aforesaid Sandeep Kumar Singla for investment in aforesaid Cooperative Society and for that petitioner was paid 5% commission amounting to ₹4 lacs and it was found that money so collected from investors was handed over to Sandeep Kumar Singla without any receipt or document. Admittedly, co-accused Sandeep Kumar Singla is also presently lodged in judicial custody. The custody of the petitioner comes up to be more than 8 months and 18 days and he is not involved in any other criminal case. After completion of investigation, the challan has been presented by

the police but it will take considerable time for the trial to conclude as in total about 100 witnesses are cited by the prosecution, which are to be examined during the trial. So no fruitful purpose is going to be served by keeping the petitioner behind the bars for any longer period.

Thus without commenting on the merits of the case, the petition is allowed and the petitioner is ordered to be released on regular bail subject to following conditions:-

- (a) the petitioner will furnish bail bonds/two sureties of ₹1 lac to the satisfaction of the trial Court/Duty Magistrate/Illaq Magistrate.
- (b) the petitioner will furnish FDRs of ₹5 lacs in the name of the Chief Judicial Magistrate, SAS Nagar (Mohali) along with an undertaking that in case the petitioner fail to appear before the trial Court or abscond from the Court proceedings, the FDR amount of ₹5 lacs shall stand forfeited to the State.
- (c) the petitioner will appear before the Investigating Officer, in case any other co-accused is arrested and the petitioner is required for further investigation in this regard, on receiving a notice from the Investigating Officer.
- (d) the petitioner will also surrender his passports, if any and will not leave India without prior permission of the Court.

However, it will be open for the prosecution to apply for cancellation of bail of the petitioners, in case he is are found involved in any other case or misusing the concession of bail, in any manner.

(KARAMJIT SINGH)
JUDGE

20.12.2022
Gaurav Sorot

Whether reasoned / speaking? Yes / No

Whether reportable? Yes / No