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

**CRM-M-36974-2022 (O&M)
Date of Decision:12.10.2022**

Bittu Singh @ Dharminder Singh

.. Petitioner

Vs.

State of Punjab

..Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Narender Singh Kamboj, Advocate for the petitioner.

Mr. Kunal Muthreja, AAG, Punjab.

...

Manoj Bajaj, J. (Oral)

Petitioner has prayed for grant of regular bail under Section 439

Cr.P.C, pending trial in case FIR No.62 dated 19.03.2021 registered under Sections 420 and 120-B IPC at Police Station City Faridkot, District Faridkot. The petitioner is in custody since his arrest on 19.03.2021.

The FIR was registered on the statement of Amanpreet Arora and the allegations as noticed by the Id. Sessions Judge, Faridkot in the order dated 04.07.2022 are as under:

“The present FIR was registered on the statement of Amanpreet Arora, aged 32 years, son of Des Raj Arora son of Seth Jagat Ram, resident of village Qila Nau, at present German Colony, near Gurudwara Sahib, Faridkot, wherein he stated that he is running electronic goods and ready made garments shop at village Qila Nau, Faridkot. Rupinder Singh, resident of Abohar Road Sri Muktsar Sahib used to visit his shop in connection with business, who told him that his in-laws are residing at village Patrey Wala, District Fazilka. His brother-in-law Bittu and his two other friends know to double the money and if he arranged money, he could introduce him with them. About 20 days ago, Rupinder Singh, resident of Abohar Road Sri Muktsar Sahib along with three persons came to his shop in the village at Swift car. While making talks with him, he disclosed the name and addresses of persons accompanying him (Rupinder Singh) as Gurmej Singh son of Jarnail Singh, resident of village Patrey Wala, Baljit Singh son

of Ranjit Singh, resident of village Patrey Wala and Bittu Singh son of Pappi Singh, resident of village Patrey Wala and Rupinder Singh also disclosed that Bittu Singh is his relative. All of them told him to arrange money and they will double his money. He fell prey to their words and told them that he would arrange money within a few days and all the said persons took his phone number and went. After some days, Gurmej Singh son of Jarnail Singh, resident of Patrey Wala from his mobile phone No. 76963-97920 made call on his mobile phone No. 98761-40054 and told him to arrange amount of Rs. 3,00,000/- as they have to purchase articles for doubling the amount. About 15 days ago, he had kept Rs.3,00,000/- at his home which he had collected from his business. All the above said four persons came on Swift car to his house at German Colony, Faridkot and took the said amount. At that time, his friend Kapil Sethi son of Krishan Kumar Sethi was also present. Thereafter, Gurmej Singh from his above said phone number told him to arrange as much money as possible as they have purchased the articles for doubling the amount. He fell prey to their words and started arranging money. He borrowed amount of Rs. 1,50,000/- from Kuldeep Kataria, took amount of Rs. 5,85,000/- from Ashwani Monga out of the joint committee, borrowed amount of Rs. 50,000/- from Raju Aara Market, borrowed amount of Rs. 4,85,000/- from the joint committee started with Dosai Wala, borrowed amount of Rs. 1,00,000/- from Sunil Chawla and took one committee of Rs. 4,00,000/- running in the village, of which he himself was the cashier. Kapil Sethi son of Krishan Kumar Sethi also fell prey to their words and gave Rs. 1,00,000/- with him to Gurmej Singh etc. Thus, he arranged total amount of Rs. 18,70,000/-. On 17.03.2021, Gurmej Singh made phone call to him and asked as to whether he has arranged the amount and he while falling prey, told Gurmej Singh regarding arranging of amount by him. On 17.03.2021, at about 8:00 PM, Gurmej Singh son of Jarnail Singh, resident of Patrey Wala, Baljit Singh son of Ranjit Singh, resident of Patrey Wala and Bittu Singh son of Pappi Singh, resident of Patrey Wala came to his house on Swift car and showed him bundles of white papers like notes, two small bottles and one big bottle of different colour solution, two glasses of black colour and told him to hand over the amount to him and they will double the amount while sitting near him. Seeing their articles, he fell prey and handed over them the arranged amount of Rs. 18,70,000/-, out of which about Rs. 4,00,000/- were of the denomination of Rs. 2000/- and the remaining were of the denomination of Rs. 500/-. All the said persons, while sitting in a room, by applying solution on some papers in the bundle of the papers, started keeping the same on the glass and then his belief was confirmed. After some time, they somehow broke the glass and told him that the glass has broken and the amount cannot be prepared there and they have to go to Nakodar. Upon which Gurmej Singh stayed at his house and Baljit Singh and Bittu Singh took amount of

Rs. 18,70,000/- and left the spot by making false excuse to come back at 3:00 AM after visiting Nakodar and in order to gain his confidence, Gurmej Singh remained sitting near him. On the next day, at about 9:00 A.M, a call was received on the phone of Gurmej Singh from his accomplices to reach at the side of village Tehna and they are coming soon. He along with his friend Kapil Sethi while accompanying Gurmej Singh went towards Tehna side on his car and after parking the car near village Tehna, when they were waiting, Gurmej Singh tried to flee from the spot and thereby, they became confident that Gurmej Singh son of Jarnail Singh, resident of village Patrey Wala, Baljit Singh son of Ranjit Singh, resident of village Patrey Wala, Bittu Singh son of Pappi Singh, resident of village Patrey Wala and Rupinder Singh, resident of Abohar road Sri Muktsar Sahib by hatching a conspiracy to double the amount, committed cheating with them.”

Learned counsel for the petitioner has argued that the offences are triable by Magistrate and his co-accused, namely, Gurmej Singh and Bajjeet Singh @ Gurmeet Singh have already been released on regular bail. According to him, the investigation is complete and the charges have been framed on 29.11.2021, therefore, the petitioner also deserves the similar concession. He prays for bail.

Learned State counsel assisted by ASI Thana Singh, has opposed the prayer on the ground that one more case is pending against the petitioner, however, it is not disputed that the co-accused of the petitioner have been released on bail. He, on instructions states that the charges have been framed on 29.11.2021, but no prosecution witness has been examined so far.

After hearing the learned counsel for the parties, considering the fact that the co-accused of the petitioner have already been released on regular bail and also the fact that the offences are triable by Magistrate, this Court is of the opinion that the further custody of the petitioner may not be necessary for any useful purpose. Further, the prosecution is yet to examine its witnesses and it may take considerable time to conclude the trial.

Resultantly, 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.

12.10.2022
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned	Yes	No
Whether reportable	Yes	No