

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-38231-2022(O&M)

Date of decision : 31.08.2022

Ranjit Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR.JUSTICE VIKAS BAHL

Present: Mr.Nippun Sharma, Advocate
for the petitioner.

Mr.Tarun Aggarwal, Sr. DAG, Punjab.

VIKAS BAHL, J.(ORAL)

CRM-31026-2022

This is an application filed for grant of leave under Rule 3-A(i) of Chapter VI, Part B, Volume V of Punjab and Haryana High Court Rules and Orders to file the present petition.

In view of averments made in the application, the same is allowed and leave is granted under the aforesaid Rules and Orders to file the present petition.

CRM-M-38231-2022

This is a petition under Section 439 Cr.P.C. for grant of regular bail to the petitioner in FIR no.20 dated 19.02.2021 registered under Sections 406, 420, 34 IPC at Police Station Division no.7, District Jalandhar.

Learned counsel for the petitioner has submitted that the

petitioner has been in custody since 01.09.2021 and there are 16 witnesses and out of which, only 3 have been examined and thus, the trial is likely to take time. It is further submitted that in the present case although the complaint is filed by one Vikram Singh who had stated that he had invested Rs.93,000/- in the company OLS whizz Pvt. Ltd. on the promise that he would get higher returns including gold etc. It is further submitted that although, it is the case of the complainant that money was deposited in the company but the company has not been arrayed as an accused and the petitioner is only one of the Directors of the company and since, the company was not doing well in business, thus, it could not repay the money of the complainant and other investors. It is also submitted that the present dispute has civil trappings and at any rate, the entire case is based on documentary evidence and no purpose would be served by keeping the petitioner in further incarceration. It is stated that the petitioner is also an accused in FIR no.199 dated 17.07.2020 registered under Sections 406, 420, 120-B IPC and the amount involved in the said case is much higher than the amount involved in the present case and a coordinate Bench of this Court vide order dated 26.07.2021 had granted the concession of regular bail to the petitioner in the said case. It is also stated that the present case is triable by a Magistrate.

Learned State counsel, on the other hand, has opposed the present petition for regular bail and has submitted that in addition to the complainant, there are 6 other victims and the total amount, which was invested by the said victims, is approximately Rs.6 lacs and has further submitted that the present petitioner is involved in multiple cases and is a habitual offender and, thus, the present petitioner does not deserve the

concession of regular bail.

Learned counsel for the petitioner, in rebuttal, has relied upon the judgment of Hon'ble Supreme Court in ***“Maulana Mohd. Amir Rashadi vs. State of U.P. and another”***, reported as ***2012 (2) SCC 382*** to contend that the facts and circumstances of the present case are to be seen while deciding a bail application and the bail application of the petitioner cannot be rejected solely on the ground that the petitioner is involved in other cases. 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.”

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

The petitioner has been in custody since 01.09.2021 and there are 16 witnesses and out of which, 13 witnesses are yet to be examined and thus, the trial is likely to take time and the present case is triable by a Magistrate. The entire dispute is based on documentary evidence and no useful purpose would be served by keeping the petitioner in further incarceration.

Keeping in view the above said facts and circumstances and in view of law laid down in the above said judgment, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail / surety bonds to the satisfaction of the concerned trial Court/ Duty Magistrate and subject to him not being required in any other

case.

Nothing stated above shall be construed as a final 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 petition.

(VIKAS BAHL)
JUDGE

August 31, 2022
Davinder Kumar

Whether speaking / reasoned	Yes/No
Whether reportable	Yes/No