

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

CRM-M-45058-2022 (O&M)

Date of decision: 24.11.2022

Bir Singh

...Petitioner

Versus

State of U.T. Chandigarh

...Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Ashwani Gaur, Advocate for the petitioner.

Mr. C.S. Bakshi, Addl. PP UT Chandigarh.

Mr. Kunal Dawar, Advocate and
Mr. G.S. Dhillon, Advocate for the complainant.

HARNARESH SINGH GILL, J. (ORAL)

Prayer in this petition is for grant of regular bail to the petitioner in case bearing FIR No.42 dated 08.03.2016, registered under Section 420 IPC; Section 406 IPC and Sections 3, 4 and 5 of the Prize Chits Fund and Money Circulation Scheme (Banning) Act, 1978 (added later on), at Police Station North, Sector-3, Chandigarh.

Status report by way of affidavit dated 27.10.2022 of the Deputy Superintendent of Police, Economic Offences Wing, Sector-17, Chandigarh, already filed in the Registry is taken on record.

Learned counsel for the petitioner submits that the petitioner has been involved in the present being the brother-in-law of the main accused Rajesh Singh Chauhan; that the petitioner is posted as a Restorer in High Court; that the petitioner has falsely been implicated in the present case; that

the FIR in question was registered on 08.03.2016 and the supplementary statement of the complainant was recorded at the time of identification of the petitioner and co-accused Thakur Singh on 25.08.2022; that the petitioner has been in custody since 25.08.2022; that the allegation against the petitioner is that he along with co-accused Thakur Singh introduced the complainant to Rajesh Chauhan and had given assurance to the complainant that the money deposited by him was secure and he would earn ensured profit and that the petitioner is not a beneficiary and two co-accused Rajesh Singh Chauhan and co-accused Gambhir Singh are on regular bail.

Learned counsel for the petitioner further submits that on the same set of allegation, the complainant herein got registered FIR No.18 dated 09.02.2016 under Sections 406 and 420 IPC and Sections 4/3 Prize Chits Fund and Money Circulation Scheme (Banning) Act, at Police Station Naya Gaon, against the petitioner and that in FIR No.18 dated 09.02.2016, challan has been presented and the petitioner is on bail.

Learned State counsel and learned counsel for the complainant while vehemently opposing the prayer for bail, submit that main accused Rajesh Singh Chauhan and co-accused Gambhir Singh, were granted regular bail by the trial Court 20.06.2016 and 22.04.2016, but thereafter Rajesh Singh Chauhan absented himself and was declared a proclaimed person on 29.04.2019. The petitioner has actively participated in alluring the complainant and other persons and the money was handed over to Rajesh Singh Chauhan in the presence of the petitioner. However, learned State counsel does not dispute the custody period of the petitioner.

I have heard the learned counsel for the parties.

The petitioner has been in custody since 25.08.2022. Nothing is to be recovered from the petitioner. The petitioner is a Government employee. Two co-accused are on regular bail. Hence, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above, without commenting anything on the merits, lest it should prejudice the case of either side, the petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

However, any observation made herein shall not be construed to be an expression on merits of the case.

(HARNARESH SINGH GILL)
JUDGE

24.11.2022
Mangal Singh

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