

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRM-M-13446-2021

Date of Decision: 24.04.2023

Balwinder Singh

.... Petitioner

Versus

State of Punjab

.... Respondent

CORAM: HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present: - Mr. PKS Phoolka, Advocate for the petitioner.

Mr. J.P. Ratra, Sr. DAG, Punjab.

ASHOK KUMAR VERMA, J. (ORAL)

Custody certificate dated 20.04.2023 filed by learned counsel for the State is taken on record.

The petitioner has filed the present petition under Section 439 Cr.P.C., for grant of regular bail in case FIR No. 307 dated 24.09.2019 registered under Sections 420 and 120-B IPC at Police Station Talwandi Sabo, District Bathinda.

According to the prosecution story, the aforesaid FIR was registered on the application filed by Gurnam Singh to Senior Superintendent of Police, Bathinda, on the allegations that one Gurtej Singh got deposited the amount from him and others persons stating that he is running a company, namely, Genial Hi-Tech Agro India Ltd., Talwandi Sabo and the company will give the interest at higher rates. He also issued the receipts to them. When they approached the company for refund of their amount, but the same found closed. On enquiry, it was revealed that a fictitious company was prepared by Gurtej Singh have its

office at Talwandi Sabo wherein his wife Simarjit Kaur, his brother-Balwinder Singh (petitioner herein) and Mander Singh (cousin) are partners. The company had opened its offices in different cities by making advertisement that the company will open the dairy farming and the persons who will invest in company, will get the double amount from it. During investigation, it was found that later on the company was closed and the amount was not returned to the investors. During investigation, father of Gurtej Singh, also admitted that his son had opened a company along with his wife, Balwinder Singh and Mander Singh and after closing the company they left to unknown place. Mander Singh, is his real nephew who is a partner in the company. He produced the documents wherein Gurtej Singh was shown as CMD and Mander Singh was Managing Director and Harbans Singh, as meeting Manager. With these broad allegations, formal FIR was registered.

Learned counsel for the petitioner, *inter alia*, contends that petitioner has falsely been implicated in the present case. In fact the petitioner had never met Gurnam Singh aforesaid in his life time. The petitioner had not received even a single penny from the complainant nor made any promise to double the amount. The complainant has not mentioned the name of the petitioner in the whole FIR. Petitioner is in custody since 19.12.2022. Trial is likely to take long time. No useful purpose will be served by further detention of the petitioner in custody. Thus, it is prayed that he may be released on regular bail.

On the other hand, learned counsel for the State vehemently opposed the submissions made by learned counsel for the petitioner. any other case.

It is pertinent to mention here that earlier the petitioner was granted the interim bail in view of directions of Hon'ble Supreme Court as well as this Court during the limited working of Court, due to spread of Covid-19 with the direction that he will surrender before the trial Court as and when situation turns normal. Now, pursuant to the order dated 12.12.2022, passed by this Court, the petitioner along with is co-accused, namely, Mander Singh, had surrendered before the trial Court on 19.12.2022. Copy of order dated 19.12.2022, passed by the trial Court is taken on record.

Keeping in view the facts and circumstances of the case and custody period of the petitioner, but without commenting on merits of the case, I am of the considered view that the petitioner deserves the concession of regular bail.

Therefore, the petition is allowed and petitioner, namely; Balwinder Singh, is ordered to be released on regular bail on furnishing of bail/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate concerned.

24.04.2023*rishu***(ASHOK KUMAR VERMA)
JUDGE****Whether speaking/reasoned****Yes/No****Whether Reportable****Yes/No**