

CRM-M-36144-2023 -1-

IN THE HIGH COURT OF PUNJAB & HARYANA AT  
CHANDIGARH

(224) CRM-M-36144-2023  
Date of decision:- 29.08.2023

Pardeep Kumar ... Petitioner  
Versus  
State of Haryana ... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Sanchit Choudhary, Advocate  
for the petitioner.  
  
Mr. Ramender Singh Chauhan, AAG, Haryana.  
for State-respondent.  
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SUVIR SEHGAL, J. (ORAL)

1. Instant petition has been filed under Section 439 Cr.P.C.  
seeking grant of post-arrest bail in:-

| FIR No. | Dated      | Police Station                     | Sections                                                                                                            |
|---------|------------|------------------------------------|---------------------------------------------------------------------------------------------------------------------|
| 578     | 04.10.2018 | City Fatehabad, District Fatehabad | 420, 34, 120-B, IPC and Sections 3, 4, 5 and 6 of the Prize Chits and Money Circulation Schemes (Banning) Act, 1978 |

2. Present proceedings arise out of FIR, Annexure P-2, which has been registered on the complaint of Vikram and 99 other victims on the allegation that Pardeep Sihag (present petitioner), Ajay Beniwal, Rajesh, Kuldeep, Raj Kumar and Sandeep have swindled the victims of Rs.59 crores on the pretext of doubling their money by investing it in RTPS Life Care Pvt. Ltd., a chit fund company.

3. Counsel for the petitioner submits that the offences are triable by a Magistrate, prosecution evidence is underway and the petitioner, who is in custody since 08.06.2019, deserves to be enlarged on bail. He has placed reliance upon orders, Annexures P-6 and P-7, passed by this Court to submit that the petitioner is similarly placed as other co-accused, who have been released on bail. He submits that although petitioner is involved in some complaints instituted under Section 138 of the Negotiable Instruments Act, 1881, but they are semi-criminal in nature.

4. *Per contra*, State counsel, upon instructions from ASI, Kashmir Singh, has opposed the petition and submits that the petitioner, who is the master-mind and Managing Director of the chit fund company, has acted in connivance with the co-accused and have pocketed a huge amount. As per his instructions, 4 out of 168 prosecution witnesses have been examined. He has opposed the petition by submitting that besides complaints pertaining to dishonour of cheques, petitioner has declared as a proclaimed person and two FIRs have been registered against him under Section 174-A, IPC. He has expressed an apprehension that the petitioner is likely to flee from country in case he is released.

5. I have heard counsel for the parties and considered their respective submissions.

6. Petitioner is accused of offences under the Indian Penal Code, which are triable by a Magistrate. Investigation is complete, challan has been presented, charge has been framed and the trial has started, therefore, he is entitled to grant of bail, which is the rule and refusal is an exception, though, certainly some restrictions need to be placed to ensure that he keeps

on appearing regularly before the Trial Court.

7. Without adverting to the merits or demerits of the arguments addressed by counsel for the parties, petition is allowed. Petitioner is ordered to be released on bail on furnishing heavy bail/surety bonds to the satisfaction of the Area Magistrate/Duty Magistrate/Trial Court concerned.

8. While being released on bail, this Court deems it appropriate to impose the following conditions, while granting liberty to the Trial Court to impose any other conditions it deems appropriate:-

- (i) petitioner will surrender his passport before the trial court and in case, he do not possess a passport, he will file an affidavit to this effect with an undertaking that during the pendency of the trial, he will not apply for a passport;
- (ii) petitioner will physically report at the police station concerned on the first Monday of every month at 11:00 A.M.; and
- (iii) petitioner will provide his mobile numbers to the SHO concerned, which he will keep activated throughout. The SHO would make random calls on his mobile and keep a check on his movement.

9. It is clarified that nothing said hereinabove shall be construed to be an expression of opinion on the merits of the case.

(SUVIR SEHGAL)  
JUDGE

29.08.2023  
Kamal

|                           |        |
|---------------------------|--------|
| Whether Speaking/Reasoned | Yes/No |
| Whether Reportable        | Yes/No |