

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CRM-M-53630-2022(O&M)

Date of Decision:-21.08.2023

Gagandeep Singh.

.....Petitioner.

Vs.

State of Punjab.

.....Respondent.

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Mr. Nipun Sharma, Advocate for the Petitioner.

Mr. Kirat Singh Sidhu, Deputy Advocate General,
Punjab.

JASJIT SINGH BEDI, J.

The Prayer in this petition under Section 439 Cr.PC is for the grant of regular bail in case FIR No.14 dated 19.02.2021 under Sections 406, 420, 34 IPC registered at Police Station Division No.4, District Jalandhar.

2. The present FIR came to be registered on the complaint of one Kapil Kumar son of Madan Lal against Ranjit Singh, Navdeep Kaur wife of Ranjit Singh, Gagandeep Singh (petitioner), Gurminder Singh son of Sh. Jagtar Singh and Mandeep Kaur wife of Sh. Gurminder Singh. As per the allegations in the complaint all the accused had incorporated a company by the name of Whizz Power (M/s OIS Whizz Pvt. Ltd.) which was a multilevel marketing company having its registered office at Jalandhar. Ranjit Singh and Gagandeep Singh (petitioner) were directors in the company and were

also brothers-in-law. They apprised him (complainant) about the schemes of their company as per which they (accused) used to charge Rs.1000/- to Rs.2000/- from people by way of instalments in advance and provided LED TVs, Home Theatres, RO Systems, CCTV along with other items. Upon their (accused persons) repeated assurance he (complainant) became a member of their company and started working with them. In the year 2017 the accused started a Gold Loan Kitties Scheme wherein they would charge 11 monthly instalments of Rs.2000/- or Rs.3000/- and then would contribute the final 12th instalment on their own would give either gold or cash of the remaining amount of 12 instalments. In this way the accused persons had cheated him of an amount of Rs.62,000/- and had also duped his friends and relatives of a huge amount of money. For sometime the company had given gold and cash amounts as per the scheme of the company but since 2019, neither had they given gold to any member nor did they refund the commensurate amount in cash. When neither gold nor cash was returned, then they floated a digital currency on the website of their company. Despite repeated requests the money was not returned nor was gold in lieu of the same given to him. He was thereafter forced to start new kitties with the names of his friends and relatives but after November 2020, the accused persons stopped answering his calls. On 15.07.2020 he came to know that the accused had already cheated thousands of investors like him to the tune of crores of rupees and had locked their above premises and had fled away. Legal action was sought along with recovery of Rs.62,000/-.

3. The Counsel for the petitioner contends that the petitioner and his co-accused have been falsely implicated in the present case. In fact it was a case of a business failure and an offence, if any, was yet to be established. As the petitioner was in custody since 11.08.2021 and only 05

out of 13 prosecution witnesses had been examined so far, he was entitled to the concession of bail. Even otherwise, the case was triable by the court of a Magistrate and mere pendency of other cases could not lead to the denial of the bail to the petitioner as the facts and circumstances of each case was to be assessed individually.

4. The Counsel for the State on the other hand contends that the petitioner and his co-accused are habitual offenders. The following cases stood registered against the petitioner:-

List of Pending Cases

Sr.No.	FIR No.	Dated	Under Section/Police Station	Status
1.	199	13.07.2020	406, 420, 120-B IPC P.S. Division No.7, District Jalandhar	On bail
2.	24	23.02.2021	406, 480, 34 IPC P.S. Division No.6, District Jalandhar	Not on bail
3.	20	19.02.2021	406, 420, 201, 34 IPC P.S. Division No.7, District Jalandhar	Not on bail
4.	21	20.02.2021	406, 420, 34 IPC P.S. Division No.7, Jalandhar, District Jalandhar	Not on bail
5.	29	19.02.2021	406, 420, 34 IPC P.S. Basti Bawa Khel, District Jalandhar	Not on bail
6.	14	20.02.2021	406, 420, 34 IPC P.S. Cantt. Jalandhar, District Jalandhar	Not on bail
7.	17	16.02.2021	406, 420, 34 IPC P.S.Division No.3, District Jalandhar	Not on bail
8.	37	17.04.2021	406, 420, 34 IPC P.S. Division No.1, District Jalandhar	Not on bail
9.	22	22.02.2021	406, 420, 120-B IPC P.S. Bhargo, District Jalandhar	Not on bail
10.	21	06.03.2021	406, 420, 34 IPC P.S. Navi Baradari, District Jalandhar	Not on bail
11.	29	19.02.2021	406, 420, 34 IPC P.S. Rama Mandi, District Jalandhar	Not on bail

12.	104	2021	406, 420, 120-B IPC P.S. Kuttubsher	Not on bail
13.	30	20.02.2021	406, 420, 34 IPC P.S. Division No.5, District Jalandhar	Not on bail
14.	343	31.08.2020	406, 420 IPC P.S. City, Jind	
15.	169	28.12.2021	406, 420 IPC and B21, 23 and 24 Bargaining of Unregulated Deposited Scheme & 26 (1) the Payment and Settlement Act, Police Station, Bhogpur, District Jalandhar.	Not on bail
16.	20	10.02.2021	406, 420, 34 IPC P.S. Basti Bawa Khel, District Jalandhar	
17.	46	01.01.2022	52-A Prison Act, Kotwali, Kapurthala	

List of Pending Complaint Cases

Sr. No.	Complaint No.	Particulars
1.	CC-366-2020	Rajnish Vs. Ranjit Singh & Ors.
2.	CC-367-2020	Chand Kumar Saini Vs. Ranjit Singh & Ors.
3.	CC-368-2020	Sukhwinder Singh Vs. Ranjit Singh & Ors.
4.	CC-371-2020	Harwinder Kaur Vs. Ranjit Singh & Ors.
5.	CC-390-2020	Sheekha Vs. Ranjit Singh & Ors.
6.	CC-365-2020	Priya Vs. Ranjit Singh & Ors.
7.	CC-419-2020	Tulsi Dass Vs. Ranjit Singh & Ors.
8.	CC-396	Anil Kumar Vs. Ranjit Singh & Ors.

List of Acquittals

Sr. No.	FIR No.	Dated	Under Section/Police Station	Status
1.	106	08.12.2020	420, 120-B IPC P.S. Cantt Ferozepur, District Ferozepur	Acquittal
2.	77	14.04.2021	406, 420, 34 IPC P.S. Division No.8, Jalandhar	Acquittal
3.	78	14.04.2021	406, 420, 34 IPC P.S. Division No.8, Jalandhar	Acquittal
4.	79	14.04.2021	406, 420, 34 IPC P.S. Division No.8, Jalandhar	Acquittal
5.	80	14.04.2021	406, 420, 34 IPC P.S. Division No.8, Jalandhar	Acquittal
6.	81	14.04.2021	406, 420, 34 IPC P.S. Division No.8, Jalandhar	Acquittal
7.	82	14.04.2021	406, 420, 34 IPC P.S. Division No.8, Jalandhar	Acquittal
8.	83	14.04.2021	406, 420, 34 IPC P.S.	Acquittal

			Division No.8, Jalandhar	
9.	84	14.04.2021	406, 420, 34 IPC P.S. Division No.8, Jalandhar	Acquittal
10.	32	12.03.2021	406, 420, 34 IPC P.S. Division No.83, Jalandhar	Acquittal

In view of the criminal antecedents as enumerated above, the petitioner was not entitled to the grant of bail. He however, concedes that the petitioner is in custody since 11.08.2021 and 05 out of 13 prosecution witnesses have been examined so far.

5. I have heard learned Counsel for the parties.

6. This Court in the case *titled as Maninder Sharma Vs. State Tax Officer, State, Mobile Wing, Jalandhar, Punjab* bearing CRM-M-24033-2021(O&M) Decided on 31.08.2022 has held as under:-

“ Therefore, broadly speaking (subject to any statutory restrictions contained in Special Acts), in economic offences involving the IPC or Special Acts or cases triable by Magistrates once the investigation is complete, final report/complaint filed and the triple test is satisfied then denial of bail must be the exception rather than the rule. However, this would not prevent the Court from granting bail even prior to the completion of investigation if the facts so warrant.”

7. Admittedly, the petitioner is a habitual offender with multiple cases registered against him. It is also equally true that he is in custody since 28.08.2021 and 05 out of 13 prosecution witnesses have been examined so far. However, the maximum sentence that could be imposed upon the petitioner would be 07 years under Section 420 IPC and the petitioner has already undergone approximately 02 years custody. Further, in view of the fact that only 05 out of 13 prosecution witnesses have been

examined so far, the Trial of the present case is not likely to be concluded anytime soon. In the peculiar facts and circumstances of the case, when the petitioner has undergone a substantial period of incarceration then, even though, the petitioner is a habitual offender, the further incarceration of the petitioner is not required more so when no serious apprehensions have been expressed by the counsel for the State that the petitioner would abscond from justice, tamper with the evidence or influence the witnesses if he is granted the concession of bail.

8. Thus without commenting on the merits of the case, the present petition is allowed and the petitioner-**Gagandeep Singh** son of Sh. Gurvinder Singh is ordered to be released on bail subject to his furnishing bail bonds and surety bonds to the satisfaction of learned CJM/Duty Magistrate, concerned.

9. The petitioner shall appear before the police station concerned on the first Monday of every month till the conclusion of the trial and inform in writing each time that he is not involved in any other crime other than the cases mentioned in this order.

10. If the petitioner or any of his family members/associates make any attempt to contact/threaten/intimidate the witnesses in the present case, the State would be at liberty to move an application for cancellation of bail granted vide this Court.

11. In addition, the petitioner (or anyone on his behalf) shall prepare an FDR in the sum of Rs.50,000/- and deposit the same with the Trial Court. The same would be liable to be forfeited as per law in case of the absence of the petitioner from the trial without sufficient cause.

12. Further the petitioner is also directed to surrender his passport with the Trial Court immediately if not already done so.

13. The petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

August 21, 2023

Vinay

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