

CRM-M-58420 of 2022

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

CRM-M-58420 of 2022

Date of decision: 06.01.2023

Rupinder Singh @ Rupinderpal Singh

.....Petitioner

versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Mr. Surinder Garg, Advocate, for the petitioner.
Mr. Anup Singh, AAG, Punjab.

NAMIT KUMAR, J. (ORAL)

This petition has been filed by the petitioner under Section 439 Cr.P.C. seeking regular bail in case FIR No.62 dated 19.03.2021 under Sections 420, 120-B IPC, registered at Police Station City Faridkot, District Faridkot.

In terms of last order, learned State counsel has filed the status report and custody certificate which are taken on record.

As per the story of the prosecution, the police was set into motion on the basis of statement of Amanpreet Arora son of Des Raj Arora son of Seth Jagat Ram, resident of village Qila Nau, at present German Colony, near Gurudwara Sahib, Faridkot, wherein he stated that he is running electronic goods and ready made garments shop at village Qila Nau, Faridkot. Rupinder Singh (present petitioner) used to visit his shop in connection with business, who told him that his in-laws are residing at village Patrey Wala, District Fazilka. His brother-in-law Bittu and his two other friends were having knowledge to double the money and if he was

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able to arrange money, he could introduce him with them. About 20 days ago, petitioner along with three persons came to his shop in the village at Swift car. While making talks with him, he disclosed the name and addresses of persons accompanying him (Rupinder Singh) as Gurmej Singh son of Jarnail Singh, resident of village Patrey Wala, Baljit Singh son of Ranjit Singh, resident of village Patrey Wala and Bittu Singh son of Pappi Singh, resident of village Patrey Wala and petitioner also disclosed that Bittu Singh is his relative. All of them told him to arrange money and they will double his money. He fell prey to their words and told them that he would arrange money within a few days and all the said persons took his phone number and thereafter they went away. After some days, Gurmej Singh son of Jarnail Singh, resident of Patrey Wala from his mobile phone No. 76963-97920 made call on his mobile phone No. 98761-40054 and told him to arrange amount of Rs. 3,00,000/- as they have to purchase articles for doubling the amount. About 15 days ago, he had kept Rs.3,00,000/- at his home which he had collected from his business. All the above said four persons came on Swift car to his house at German Colony, Faridkot and took the said amount. At that time, his friend Kapil Sethi son of Krishan Kumar Sethi was also present. Thereafter, Gumej Singh from his above said phone number told him to arrange as much money as possible as they have purchased the articles for doubling the amount. He fell prey to their words and started arranging money. He borrowed amount of Rs. 1,50,000/- from Kuldeep Kataria, took amount of Rs. 5,85,000/- from Ashwani Monga out of the joint committee, borrowed amount of Rs. 50,000/- from Raju Aara Market, borrowed amount of Rs. 4,85,000/- from the joint committee started

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with Dosai Wala, borrowed amount of Rs. 1,00,000/- from Sunil Chawla and took one committee of Rs. 4,00,000/- running in the village, of which he himself was the cashier. Kapil Sethi son of Krishan Kumar Sethi also fell prey to their words and gave Rs. 1,00,000/- with him to Gurmej Singh etc. Thus, he arranged total amount of Rs. 18,70,000/-. On 17.03.2021, Gurmej Singh made phone call to him and asked as to whether he has arranged the amount and he while falling prey, told Gurmej Singh regarding arranging of amount by him. On 17.03.2021, at about 8:00 PM, Gurmej Singh son of Jarnail Singh, resident of Patrey Wala, Baljit Singh son of Ranjit Singh, resident of Patrey Wala and Bittu Singh son of Pappi Singh, resident of Patrey Wala came to his house on Swift car and showed him bundles of white papers like notes, two small bottles and one big bottle of different colour solution, two glasses of black colour and told him to hand over the amount to him and they will double the amount while sitting near him. Seeing their articles, he fell prey and handed over them the arranged amount of Rs. 18,70,000/-, out of which about Rs. 4,00,000/- were of the denomination of Rs. 2000/- and the remaining were of the denomination of Rs. 500/-. All the said persons, while sitting in a room, by applying solution on some papers in the bundle of the papers, started keeping the same on the glass and then his belief was confirmed. After some time, they somehow broke the glass and told him that the glass has broken and the amount cannot be prepared there and they have to go to Nakodar. Upon which Gurmej Singh stayed at his house and Baljit Singh and Bittu Singh took amount of Rs. 18,70,000/- and left the spot by making false excuse to come back at 3:00 AM after visiting Nakodar and in order to gain his confidence,

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Gurmej Singh remained sitting near him. On the next day, at about 9:00 A.M, a call was received on the phone of Gurmej Singh from his accomplices to reach at the side of village Tehna and they would come soon. He along with his friend Kapil Sethi while accompanying Gurmej Singh went towards Tehna side on his car and after parking the car near village Tehna, when they were waiting, Gurmej Singh tried to flee from the spot and thereby, they became confident that Gurmej Singh son of Jarnail Singh, resident of village Patrey Wala, Baljit Singh son of Ranjit Singh, resident of village Patrey Wala, Bittu Singh son of Pappi Singh, resident of village Patrey Wala and Rupinder Singh, (present petitioner) by hatching a conspiracy to double the amount, committed cheating with them.

Learned counsel for the petitioner has argued that the offences are triable by Magistrate. He contends that allegation against the petitioner is that he introduced the persons to his co-accused, namely, Gurmej Singh; Baljeet Singh @ Gurmeet Singh and Bittu Singh @ Dharminder Singh, who have already been released on regular bail vide orders dated 26.05.2021; 03.12.2021 and 12.10.2022 (Annexures P-2 to P-4) passed by this Court. He contends that the investigation is complete and the charges have been framed on 29.11.2021 and out of 19 witnesses no one has been examined as yet. He contends that conclusion of trial may take a considerable time, therefore, no fruitful purpose would be served by detaining the petitioner behind bars. Petitioner is in custody since 03.09.2022. He prays that petitioner may be released on regular bail.

Learned State counsel has opposed the prayer on the ground that one more case is pending against the petitioner, in which he is on bail,

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however, it is not disputed that the co-accused of the petitioner have been released on bail. He states that the charges have been framed on 29.11.2021, but no prosecution witness has been examined so far.

After hearing the learned counsel for the parties, considering the custody period of the petitioner which is 03 months and 15 days and the fact that the co-accused of the petitioner have already been released on regular bail by this Court and also the fact that the offences are triable by Magistrate, charges have been framed, this Court is of the opinion that the further custody of the petitioner may not be necessary for any useful purpose. Further, the prosecution is yet to examine its witnesses and it may take considerable time to conclude the trial. Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court concerned.

The petition is allowed.

06.01.2023
R.S.

(NAMIT KUMAR)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No