

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-59276-2022 (O&M)
Date of Decision:-10.2.2023

Vinod Mahajan

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Ankur Mittal, Advocate with
Ms. Kushaldeep Kaur, Advocate,
Ms. Varsha Sharma, Advocate and
Mr. Shivam Garg, Advocate for the petitioner.

Mr. Luvinder Sofat, DAG, Punjab.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner seeks grant of regular bail in respect of a case registered vide FIR No.63, dated 23.12.2000 at Police Station Vigilance Bureau, Patiala, under Sections 406, 420, 467, 468, 471, 120-B of Indian Penal Code, Section 7(2) of Punjab Land Reforms Act and Sections 13(1), (a), (b), (c), (d) of Prevention of Corruption Act, 1988.
2. The FIR was lodged on the basis of secret information received by Vigilance Bureau to the effect that Rakesh Syal, his sister Promila Syal, his mother Bimla Syal, and Rimilla Sinha, Directors of 'M/s Golden Projects Limited' had purchased huge land in the year 1992 after collecting money from the innocent gullible investors with false assurance of lucrative returns but

neither any amount was returned nor any land was given to such investors, who were left to the lurch. Upon conclusion of investigation, a challan was presented on 9.8.2001 against those who were named in the FIR and also other directors of the company. However, the petitioner had not been arrested and ultimately was declared a proclaimed offender on 15.5.2002. The petitioner was arrested on 19.11.2022 and has been custody since then.

3. Learned counsel for the petitioner submits that it was on account of sheer bad luck that the company could not survive and went into losses and that there was no intention of any kind on the part of anybody to defraud the investors. It has further been submitted that the co-accused, who were tried, have already stand acquitted and that the said acquittal has attained finality. Learned counsel for the petitioner has submitted that the petitioner is aged about 64 years and is having various ailments and his condition is critical. Learned counsel for the petitioner, in order to hammer forth his aforesaid submission, has referred to the medical record of the petitioner annexed with the petition as Annexure P-9. Learned counsel for the petitioner has thus submitted that having regard to the critical medical condition of the petitioner and also the fact that co-accused have already been acquitted, no useful purpose will be served by detaining the petitioner behind bars any longer.
4. Opposing the petition, learned State counsel has submitted that conduct of the petitioner, who remained a proclaimed offender for almost 2 decades does not warrant releasing him on bail and that there is every likelihood that in case granted bail, he will again flee from justice. Learned State counsel

has informed that the petitioner as on date has been behind bars since the last about 2 months and 23 days.

5. This Court has considered the rival submissions addressed before this Court.
6. On the last date of hearing, this Court had asked the State counsel to verify the contentions of the petitioner regarding his health.
7. Learned State counsel has today filed status report by way of affidavit of Shri Ashish Kumar, Officiating Deputy Superintendent, District Jail, Rupnagar (Punjab) accompanied by medical status report (Annexure R-1) submitted by Medical Officer, District Jail Rupnagar. The same is taken on record. The medical status report dated 9.2.2023 (Annexure R-1) reads as under:

“This is submitted that under trial prisoner Vinod Mahajan S/o Bishambar Dass is confined in District Jail, Rupnagar is known case of Diabetes Mellitus with hypertension and CKD for which he has been given conservative treatment as advised. Prisoner has been admitted in Jail Hospital for treatment for above mentioned diseases since 20.11.2022. Presently Patient got continually referred at PGI Chandigarh Hospital and Civil Hospital, Rupnagar. His treatment is not possible at jail hospital of Rupnagar.”

8. The aforesaid report as well as the medical certificates relied upon by the petitioner does show that the petitioner is having various ailments. It is not disputed by learned State counsel that other co-accused, who had been tried, already stand acquitted. This Court does find that the conduct of the petitioner is far from appreciable but having regard to the fact that co-accused already stand acquitted and the petitioner is having various ailments, his further detention will not serve any useful purpose. The petition, as such,

is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

9. Since the petitioner had earlier remained a proclaimed offender for a good 2 decades, the Trial Court would be at liberty to impose any such stringent condition as deemed appropriate so as to ensure regular appearance of the petitioner. The petitioner, in any case, shall furnish 1 sound surety of an amount of Rs.50 lakhs before the Trial Court at the time of furnishing bail bonds/surety bonds.
10. The aforesaid order is further subject to the condition that the petitioner shall deposit an amount of Rs.1 lakh as costs, on account of his conduct, in Poor Patient Welfare Fund (PPWF), Post Graduate Institute of Medical Education and Research (PGIMER), Chandigarh.

10.2.2023

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**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No