

205                    **IN THE HIGH COURT OF PUNJAB AND HARYANA**  
                                 **AT CHANDIGARH**  
                                 **CRM-M-63727-2023**  
                                 **Date of Decision:22.12.2023**

Anil Kumar

...Petitioner

Vs.

State of Punjab

...Respondent

**Coram :    Hon'ble Mr. Justice N.S.Shekhawat**

Present:    Mr. G.P.S Ghuman, Advocate  
                 for the petitioner.

Mr. Mohit Chaudhary, AAG, Punjab.

Mr. Prateek Sodhi, Advocate  
for the complainant.

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**N.S.Shekhawat J.**

1.                The petitioner has filed the present petition under Section 439 Cr. P.C with a prayer to grant regular bail to him in case FIR No.392 dated 06.10.2023, under Sections 406,420,120-B of IPC registered at Police Station Sohana, District SAS Nagar (Annexure P-1).
2.                The FIR in the present case was registered on the basis of the statement Sidharth Singh and the same has been reproduced as below:-

*“Statement of Sidharth Singh son of Rajinder Singh Resident of House Number C-42, Lajpat Nagar, New Delhi presently residing at Flat New Delhi, Number A-194, Platinum Homes, Old Ambala Highway, Dhakoli, Zirakpur, District S.A.S. Nagar, aged around 37, Mobile Number 9988505454 Stated that I am resident of above mentioned address. I am running a Travel Agency at Peer Muchhalla Zirakpur. In the year 2017 I had shifted permanently from Delhi to Mohali and am living here. Thereafter I had friendship with a person namely Aman Sharma. Who arranged my*

*meeting with Anil Kumar Mobile Number (73408-00018) son of Mewa Singh Resident of Flat Number 1-301 VICTORIA Hights, Peer Muchhalla, Zirakpur District S.A.S. Nagar and Rahul Rana (95695-80100); thereafter I used to talk frequently with Anil Kumar and Rahul Rana. In the year 2018 they had informed me that our one company the name of which is Master Infotech IT Company is situated at Plot No. 162 Sec 82 Mohali. But Anil Kumar and Rahul Rana, both of them were running this Company and doing the business of Forex Trading Company. But original name of the Company is Tradebull PVT LTD. Talk was held with Anil Kumar and Rahul Rana in the office of their Company at Plot Number 162, Sector 82. Mohali. They asked me to invest money in this Company. They had said that on the money which you shall invest in the company. They shall give me 10% month wise return to me. On this I had invested around Rs. 50 Lac in their Company and I transferred this amount in different accounts of Anil Kumar i.e. 918020005054794 Axis Bank Sector 20 Panchkula and Account Number 093501514070 ICICI Bank Panchkula, then Anil Kumar returned at the rate of 10% of the amount given one time sum of Rs. 2,5000 and second time Rs. 1,70,000 returned money for 2 months. Thereafter they didn't pay any amount to me, On this I used to ask Anil Kumar and Rahul Rana to return my money, then above named persons used to give death threats to me. They have not returned my money till date. When I used to call Anil Kumar and Rahul Rana over phone for demanding my money, their phones were found switched off. Till now, I kept on asking Anil Kumar and Rahul Rana to return the money, but both of them together with each other keep on avoiding me. Thus Anil Kumar and Rahul Rana have committed fraud with me. Appropriate legal action may be initiated against Anil Kumar and Rahul Rana. I was coming to inform at Police Station I.T. City Mohali, you met me at Airport Chowk Mohali, I have recorded my statement to you, which was read over and it is correct. SD/ Sidharth, Attested Sd/-*

*Bhagat Ram ASI Police Station I.T. City Mohali dated 06.10.2023”*

3. Learned counsel for the petitioner contends that the petitioner has been falsely involved in the present case. The petitioner was arrested in the present case on 06.10.2023 and is in custody for the last more than 02 months. He further contends that in the present case, the investigation has been completed and the challan has already been filed on 05.12.2023, however, the trial has not formally started with the framing of charges and further custody of the petitioner will not serve any meaningful purpose. Learned counsel further contends that the co-accused Rahul Kumar, who has named in the FIR with the present petitioner, has been granted the concession of anticipatory bail by this Court. In fact, Rahul Kumar, co-accused had entered into a settlement/agreement dated 11.12.2023 with the complainant and the matter amicably stood resolved between the complainant and the Rahul Kumar. He further contends that since the petitioner was in jail, Rahul Kumar had also entered into a compromise on behalf of the present petitioner as well. He next contends that all the offences are triable by the Court of Magistrate and the petitioner deserves the concession of bail.

4. On the other hand, learned State counsel assisted by learned counsel for the complainant have vehemently opposed the submissions made by learned counsel for the petitioner on the ground that the Rahul Kumar had entered into a compromise on his behalf only and not on behalf of present petitioner. Learned counsel further submitted that the recovery of a huge money is yet to be effected from the present petitioner and he does not deserve the concession of bail.

5. I have heard learned counsel for the parties and perused the record.
6. From the record, it is apparent that the complainant has already entered into a compromise with co-accused Rahul Kumar. Apart from that, petitioner is in custody for the last two and half months and all the offences are triable by the Court of Magistrate.
7. Without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate, concerned.

22.12.2023  
hitesh

(N.S.SHEKHAWAT)  
JUDGE

|                           |   |        |
|---------------------------|---|--------|
| Whether speaking/reasoned | : | Yes/No |
| Whether reportable        | : | Yes/No |