



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

CRM-M-8233-2024

Date of decision: 11.12.2024

GURMEET SINGH ALIAS KAKA

....PETITIONER

Versus

STATE OF PUNJAB

....RESPONDENT

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present: - Mr. Karan Sachdeva, Advocate and
Mr. Saurav Gumbal, Advocate for
Mr. Jitender Singh Dadawal, Advocate
for the petitioner.

Mr. Ankit Grewal, DAG, Punjab.

Mr. M.S. Tiwana, Advocate for the complainant.

SANJIV BERRY, J. (ORAL)

By way of present petition filed under Section 438 of Cr.P.C.,
petitioner seeks anticipatory bail in case FIR (Annexure P-2) as under:

FIR No.	Dated	Sections	Police Station
260	12.12.2023	420, 465, 468 and 471 of IPC; 13 of Punjab Travel Professionals (Regulation) Act, 2013 (2014)	City Budhlada, District Mansa

2. Learned counsel for the petitioner submits that in compliance to the order dated 23.08.2024 passed by this Court, the petitioner has already joined the investigation and as such prayed for confirming the interim bail granted vide order dated 23.08.2024.

3. Learned State counsel, on instructions from SI Sukhjit Singh, intimates the Court that the petitioner has joined investigation and is neither required for further investigation nor for any custodial interrogation.



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4. Learned counsel for the complainant has opposed the petition on the ground that keeping in view the gravity of the offence, the petition does not deserves the concession of bail.

5. During the course of hearing on 23.08.2024, following order was passed:

“Original record of the complaint submitted by Dheeraj Garg is produced for perusal by learned State counsel by learned State Counsel.

Sh. Manjit Singh, PPS (DSP) presently posted in S.D.Sardulgarh District Mansa is present in Court today. On asking whether he has been called in this case, he replied that earlier he was called and thereafter, he was not discharged.

Learned counsel for the petitioner at the outset submits that petitioner received the phone call yesterday from mobile no. 8146752951 of DSP-Manjit Singh, whereby he was threatened and the call recording is also produced in the form of pen-drive in the Court. The same is taken on record.

On asking, DSP Manjit Singh submits that the said number is of his Gunman, Gurpiar Singh, who is also present outside the court. He has been called in the Court. On asking, he submits that he never called the petitioner rather petitioner called him yesterday. On perusing call history from the mobile phone of Gurpiar Singh, it has been found that Gurpiar Singh first called petitioner at 10:55 A.M yesterday i.e. 22.08.2024 and thereafter, petitioner had called him at 12:26 P.M, yesterday on 22.08.2024. The copy of screenshot taken from the mobile phone of Gurpiar Singh is produced by the learned State counsel and the same is taken on record.

Without discussing further and in order to avoid any prejudice, the S.S.P.Mansa is directed to inquire into the matter



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by himself or through some officer not below the rank of Superintendent of Police. Petitioner is directed to give the copy of call recording to the SSP Mansa. Copy of the inquiry report be sent to this Court on or before the next date of hearing. DSP-Manjit Singh is exempted from appearing personally in this case.

The present petitions have been filed under Section 438 of Cr.P.C for grant of anticipatory bail to the petitioners in case FIR No. 0260 dated 12.12.2023 under Sections 420, 465, 468, 471 IPC and Section 13 of Punjab Travel Professionals (Regulation) Act, 2014 registered at Police Station City Budhlada, District Mansa.

The case of petitioner- Gurmeet Singh is that he is the owner of a Brick Kiln and is engaged in the business of manufacturing and supplying bricks. Kulwant Singh and Sandeep were regular visitor to him. They introduced the petitioner to one Dheeraj Garg who is involved in construction work. He along with his business partners collaborated with one Dheeraj Garg for supply of bricks for construction work. With the passage of time, Dheeraj Garg developed strong business relationship with them. Thereafter, Dheeraj Garg convinced him to lend him some amount of money on the promise that he would make good investments on their behalf and return the borrowed amount along with huge profits. Later on, petitioner's partner, Harwinder Singh met Rajvir Singh-complainant, who was a property dealer and they had a business dealing. Harwinder Singh introduced Rajvir Singh to the petitioner-Gurmeet and his business of manufacturing and supplying of bricks in partnership with Harwinder Singh. Thereafter, petitioners started supplying bricks to Rajvir-complainant as well. The copy of the ledger of Rajvir Singh w.e.f 01.04.2022 to 02.11.2023 is placed on record at Annexure P-3. Petitioner Gurmeet Singh introduced Rajvir Singh to



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Dheeraj Garg (petitioner in CRMM-12071-2024) and Rajvir Singh-complainant invested an amount through Dheeraj Garg and got the good returns. This arrangement went for a fairly long time wherein Dheeraj Garg returned the money invested by all the persons along with profit. Thereafter, Dheeraj Garg recorded more money from all investors and did not return the same. Dheeraj Garg filed the complaint on 24.03.2023 at the SHO, Police Station Bareta. Police inquired the matter but Dheeraj Garg could not be contacted. His father told the police that Dheeraj Garg was his adopted son. Thereafter, police recorded the statements of all other accused persons including the petitioner and the complainant -Rajvir Singh. The copies of statements of the petitioner and the complainant are annexed as Annexure P- 4 and P-5. After inquiry, police came to the conclusion that there is a monetary dispute between the parties and there is no proof/witness of threat to Dheeraj Garg. A report of Deputy Superintendent of Police is annexed as Annexure P-6. Thereafter, complainant lodged the FIR.

Learned counsel for the petitioner- Dheeraj Garg in CRM-M-12071-2024 has argued that on 25.02.2023, the complainant along with some other persons called the petitioner at Mansa and they pressurized the petitioner to give Rs. 9 lacs per month to them and they also took his signatures forcibly on some blank papers. The petitioner- Dheeraj Garg earlier also filed the petition for protection to his life and liberty.

Learned State counsel as well as learned counsel for the complainant has argued that a huge amount was deposited in the account of petitioner- Gurmeet Singh @ Kaka. It is pure and simple case that for sending the complainant to abroad, deal was finalized for Rs. 51 lacs and a sum of Rs. 15 lacs was



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paid in the account of Dheeraj Garg and a sum of Rs. 18 lacs was paid in the account of Gurmeet Singh @ Kaka.

I have heard the submissions made by learned counsel for the parties.

Parties were having official dealings which is apparent the ledger account (Annexure P-3) of the Brick Kiln of the petitioner- Gurmeet Singh. It is clear that bricks were being purchased by the complainant regularly from the petitioner. The parties are businessmen/ professionals. It is not expected that such a complainant would be misrepresented to pay the amount for arranging his visa for Canada.

Adjourned to 17.09.2024.

In the meantime, the petitioners are directed to join the investigation as and when called by SHO/Investigating Officer and in the event of their arrest, they shall be released on interim bail on their furnishing bail bonds and surety bonds to the satisfaction of SHO/Investigating Agency, subject to the following conditions as envisaged under Section 438 (2) Cr.P.C.:-

(i) that the petitioners shall make themselves available for interrogation before the investigating officer as and when required:

(ii) that the petitioners shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) that the petitioners shall not leave the country without prior permission of the Court concerned.

A photocopy of this order be placed on the file of other connected case.”

6. Keeping in view the above submissions made by learned State



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counsel and the fact that the petitioner had joined the investigation consequent to the order dated 23.08.2024 passed by this Court, interim bail granted vide order dated 23.08.2024 is hereby confirmed, subject to conditions as envisaged under Section 482 (2) of BNSS, 2023. Further the petitioner is directed to join investigation as and when required in future by way of written notice for such purpose to be served by Investigating Officer of this case upon the petitioner; he will not tamper with the evidence nor will influence the witnesses and will not leave the country without prior permission of the Court.

7. The petition stands allowed.
8. It is made clear that anything contained hereinabove shall not be construed to be an expression of opinion on the merits of the case.

(SANJIV BERRY)
JUDGE

11.12.2024
kanika

- i) Whether speaking/reasoned?

Yes/No
- ii) Whether reportable?

Yes/No