



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

CRM-M-10243-2024
Date of Decision: 05.12.2024

Avtar Singh

...Petitioner

vs.

State of Haryana

...Respondent

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

Present : Mr. Gaurav Datta, Advocate
 for the petitioner.

Ms. Sheenu Sura, Deputy Advocate General, Haryana.

N.S.Shekhawat J.

1. The petitioner has filed the third petition under Section 439 of Cr.P.C. with a prayer to grant regular bail to him in case FIR No. 42, dated 26.01.2017, registered under Sections 406, 420,120-B of IPC, Section 467 (wrongly written as 407), 468 and 471 of IPC and Sections 4,5 and 6 of PCMCS Act,1978 (added later on in the challan) Police Station City Tohana, District Fatehabad (Annexure P-1).

2. Learned counsel for the petitioner contends that as per the FIR, no specific role has been attributed to the petitioner except that the petitioner was partner of Sandeep Kumar Singla, main accused. He further contends that in fact, Sandeep Kumar Singla and his son Saurabh Singla were the main accused, and Saurabh Singla has already been granted the concession of regular bail by this Court 31.10.2022. Saurabh Singla was facing the charge with regard to opening an office and conducting seminars regarding the investment plans and



inducing people to invest in the company. Learned counsel further contends that as per the version of the complainant, the money of the complainants was entrusted in the year 2012 and no specific allegations have been levelled with regard to date, mode, manner of entrustment. Even, the money was allegedly paid to the company in cash, without any verification and without any receipt. Even, the complainant was a police officer and no income tax returns or any other evidence was placed by him to show that he had invested an amount of Rs.5 lacs. Even no document of receipt, entrustment or any maturity commitment was placed by the complainant before the police. Moreover, no recovery suit or proceedings were ever initiated by the complainant and he got the FIR registered as an arm twist measure. Learned counsel further contends that the petitioner was arrested in the present case on 21.03.2022 and is in custody since then. All the offences in the present case are triable by the Court of Sessions and only 60 witnesses out of total 269 witnesses have been examined so far and the trial is not likely to conclude in near future.

3. On the other hand, learned State counsel has vehemently opposed the prayer made by learned counsel for the petitioner on the ground that the petitioner and his co-accused had cheated the large number of innocent investors and the petitioner is not entitled for the concession of regular bail. Apart from that, the petitioner is a habitual offender and was facing three similar cases.

4. In response to the submissions made by learned State counsel, learned counsel for the petitioner submits that even though three more cases were ordered to be registered against the petitioner, but the petitioner has



already undergone the sentence in one, in another case he has been acquitted and he is on bail in the third case.

5. I have heard the learned counsel for the parties and perused the record carefully.

6. In the present case, the petitioner is in custody since last more than 02 years and 08 months. All the offences in the present case are triable by the Court of Sessions. Apart from that, the prosecution has only been able to examine 60 witnesses out of 269 witnesses and the trial may not conclude in the near future.

7. Without commenting on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail pending trial on his furnishing bail bonds and surety to the satisfaction of the concerned trial Court/ Duty Magistrate/Chief Judicial Magistrate subject to the following conditions:-

(i) The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, so as to dissuade him to disclose such facts to the Court or to any other authority.

(ii) The petitioner shall remain present before the Court on the dates fixed for hearing of the case.

(iii) The petitioner shall not absent himself from the Court proceedings except on the prior permission of the Court concerned.

(iv) The petitioner shall surrender his passport, if any, (if already not surrendered), and in case he is not holder of the same, he shall swear an affidavit to that effect.

(v) The petitioner shall also file his affidavit before the concerned Court, mentioning his ordinary place of residence and number of



mobile phone, which shall be used by him during the pendency of the trial. In case of change of place of residence/mobile number, he shall share the details with the concerned Court/learned Trial Court.

(vi) In case, the petitioner is involved in any other criminal activity, during the pendency of the trial, it shall be viewed seriously.

(vii) The concerned Court may insist on two heavy local sureties and may also impose any other condition, in accordance with law, while accepting the bails bonds and surety bonds of the petitioner.

(viii) The petitioner shall report on every 1st Monday of English calender month to the concerned SHO till the conclusion of the trial and SHO shall mark his presence by making an entry in the Rojnamcha.

8. In case, the petitioner violates any of the conditions mentioned above, it shall be viewed seriously and the concession of bail granted to him shall be liable to be cancelled and the prosecution shall be at liberty to move an application in this regard.

05.12.2024
hitesh

(N.S.SHEKHAWAT)
JUDGE

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