

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

208. CRM-M No.11934 of 2023 (O&M)
Date of Decision:11.01.2024

Savneet Kaur ... Petitioner
Versus
State of Punjab ... Respondent

2. CRM-M No.12145 of 2023 (O&M)

Ramanjit Kaur ... Petitioner
Versus
State of Punjab ... Respondent

3. CRM-M No.63439 of 2023 (O&M)

Maneesh Gandhi ... Petitioner
Versus
State of Punjab ... Respondent

CORAM : HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Himmat Singh Deol, Advocate and
Mr. Karan Walia, Advocate
for the petitioner(s) in CRM-M Nos.11934 and 12145 of 2023.

Mr. Ashish Gupta, Advocate and
Mr. G.S. Bidhan, Advocate
for the petitioner in CRM-M No.63439 of 2023.

Mr. Subhash Godara, Addl. A.G., Punjab.

Mr. SPS Sidhu, Advocate and
Mr. Sameer Sachdeva, Advocate
for the complainant.

HARPREET SINGH BRAR, J. (ORAL)

CRM. No.54022 of 2023 in CRM-M No.63439 of 2023

Prayer in the application is for correcting the name of the petitioner
in the memo of parties as Maneesh Gandhi instead of Maneesh Gandi and for
adding Section 406 IPC in the body of the petition.

For the reasons stated in the application, the same is allowed.

Amended memo of parties is taken on record and the registry is directed to put the same at the appropriate place.

Further, the registry is directed to carry out correction in the head note and prayer clause of the petition by adding Section 406 IPC therein.

Main Cases

1. By this common order, three petitions bearing Nos.CRM-M Nos.11934, 12145 and 63439 of 2023 filed by the petitioners under Section 439 Cr.P.C. seeking concession of regular bail in FIR No.126 dated 26.11.2022 registered under Sections 406, 420, 465, 467, 468, 471, 120-B IPC at Police Station Mullanpur, District SAS Nagar (Mohali), are being decided together, as arise out of the same FIR. However, the facts are borrowed from CRM-M No.11934 of 2023.

2. In brief, the facts are that the complainant-Ankit Sadana, Managing Director of M/s Address Infrastructure Pvt. Ltd. having its office at Village Togan, Mullanpur, Punjab, who is engaged in the business of promoter and builder made a complaint to the Senior Superintendent of Police, District SAS Nagar, Mohali that few days back, two persons came to his office and informed that they purchased some plots and flats of his company from Inderpreet Singh Manchanda @ Inder Singh, who was his ex-employee. After inspection of the record, it surfaced that Inderpreet Singh Manchanda @ Inder Singh had committed a fraud with the company as no such sale was done by him as per the record of the company. On further enquiry, it came to the light that he had executed an agreement qua a plot which was not even put for sale. He illegally utilized the amount taken from aforesaid persons for his personal gain without knowledge and permission of the complainant. He fraudulently took money from unknown persons and used official documents of the company for

committing cheating and fraud and further prepared false documents with an intention to malign and tarnish the image of the company and cause financial loss to the company. He executed false documents on behalf of the company and cheated innocent persons to believe that said forged documents were prepared by the company. He even forged signatures of the complainant and prepared false stamp of authorized signatory without his knowledge in connivance with his unknown associates. Therefore, a request was made to lodge an FIR against said Inderpreet Singh Manchanda @ Inder Singh under Sections 406, 408, 419, 420, 467, 469, 470, 471, 472, 473, 477 and 468 IPC and to freeze all his bank accounts immediately.

3. At the outset, learned counsel appearing for the petitioner(s) in CRM-M No.11934 of 2023 and 12145 of 2023 made an oral request that Section 406 IPC, which was added later on in the FIR in question, may be read in the head note and prayer clause of the aforesaid petitions, as inadvertently the same has been omitted to be typed.

4. Keeping in view the fact that on the application filed by the petitioner in CRM-M No.63439 of 2023, Section 406 IPC has been ordered to be added in the head note and prayer clause of the said petition, oral request made by the counsel appearing for the petitioner(s) in CRM-M No.11934 of 2023 and 12145 of 2023 is accepted. Registry is directed to carry out correction in the head note and prayer clause of the petitions in CRM-M No.11934 of 2023 and 12145 of 2023 by adding Section 406 IPC therein.

5. Learned counsel appearing for the petitioner-Savneet Kaur in CRM-M No.11934 of 2023 contends that the petitioner is a home maker and mother of a minor child. A perusal of the FIR indicates that no specific allegations with regard to inducement or forgery are levelled against her. She had been

implicated in the present case only being wife of the main accused Inderpreet Singh Manchanda @ Inder Singh. The prosecution has alleged that she has received an amount of ₹37,500/- in her account, which she has already returned. The investigating agency has already completed the investigation.

6. Learned counsel appearing for the petitioner-Ramanjit Kaur in CRM-M No.12145 of 2023 *inter alia* contends that the petitioner has been unnecessary dragged into the controversy being the mother-in-law of the main accused Inderpreet Singh Manchanda @ Inder Singh. As per the prosecution case, she has received ₹39 lakhs in her account, which have been duly returned to the concerned person. There is nothing on record to show any connivance or collusion of the petitioner with other accused.

7. Learned counsel appearing for the petitioner Maneesh Gandhi in CRM-M No.63439 of 2023 *inter alia* contends that the name of the petitioner along with Kamal Batra and Gurinder Singh has been involved in the present case on the basis of disclosure statement suffered by the main accused Inderpreet Singh Manchanda @ Inder Singh. The other accused namely Kamal Batra has been granted anticipatory bail whereas Gurinder Singh has been exonerated by the investigating agency.

8. Per contra, Mr. SPS Sidhu and Mr. Samir Sachdeva, Advocates appearing for the complainant *inter alia* contends that the petitioners in furtherance of criminal conspiracy with the co-accused have cheated various innocent citizens to the tune of more than ₹4 crores by playing fraud. The complicity of the petitioners is writ large on the facts and circumstances of the case. The persons duped have not been compensated till date. One car, jewellery and flat were purchased in the name of petitioners by the co-accused Inderpreet Singh Manchanda @ Inder Singh. As such, they are beneficiaries of

alleged fraud. It is further contended that after their release on interim bail, they further sold the flat and therefore, in view of their conduct, they do not deserve the concession of bail.

9. Learned State counsel opposes grant of bail to the petitioners on the ground that the investigating agency has collected sufficient material to indicate the complicity of the petitioners in the alleged fraud. One more FIR has been registered against Inderpreet Singh Manchanda @ Inder Singh and therefore, in view of serious allegations levelled against the petitioners, they do not deserve the concession of regular bail.

10. Having heard learned counsel for the parties and after perusing the record, it transpires that Savneet Kaur and Ramanjit Kaur were arrested on 13.01.2023 whereas Muneesh Gandhi is in custody since 05.11.2023. Savneet Kaur is a handicap person with 50% permanent disability as discernible from the medical certificate (Annexure P-2) and she was released on interim bail on 11.04.2023 by this Court whereas Ramanjit Kaur was released on interim bail on 15.05.2023. The investigating agency has already concluded the investigation and filed final report on 29.11.2023.

11. A two Judge Bench of the Hon'ble Supreme Court in ***Satender Kumar Antil Vs. Central Bureau of Investigation (2022) 10 SCC 51*** has held that in cases pertaining to women, the Court is expected to show some sensitivity. Speaking through Justice M.M. Sundresh, the following observations were made:-

“69. Proviso to Section 437 of the Code mandates that when the accused is under the age of sixteen years, sick or infirm or being a woman, is something which is required to be taken note of. Obviously, the court has to satisfy itself that the accused person is sick or infirm. In a case pertaining to women, the court is expected

to show some sensitivity. We have already taken note of the fact that many women who commit cognizable offences are poor and illiterate. In many cases, upon being young they have children to take care of, and there are many instances when the children are to live in prisons. The statistics would show that more than 1000 children are living in prisons along with their mothers. This is an aspect that the courts are expected to take note of as it would not only involve the interest of the accused, but also the children who are not expected to get exposed to the prisons. There is a grave danger of their being inherited not only with poverty but with crime as well.

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78. Section 437 of the Code empowers the Magistrate to deal with all the offences while considering an application for bail with the exception of an offence punishable either with life imprisonment or death triable exclusively by the Court of Sessions. The first proviso facilitates a court to conditionally release on bail an accused if he is under the age of 16 years or is a woman or is sick or infirm, as discussed earlier. This being a welfare legislation, though introduced by way of a proviso, has to be applied while considering release on bail either by the Court of Sessions or the High Court, as the case may be. The power under Section 439 of the Code is exercised against an order rejecting an application for bail and against an offence exclusively decided by the Court of Sessions. There cannot be a divided application of proviso to Section 437, while exercising the power under Section 439. While dealing with a welfare legislation, a purposive interpretation giving the benefit to the needy person being the intendment is the role required to be played by the court. We do not wish to state that this proviso has to be considered favourably in all cases as the application depends upon the facts and circumstances contained therein. What is required is the consideration per se by the court of this proviso among other factors.” (emphasis supplied).

12. The petitioner-Maneesh Gandhi in CRM-M No.63439 of 2023 is in custody since 30.10.2023. The investigating agency has already completed the investigation and filed the final report on 12.04.2023. There are 39 prosecution witnesses and till date, none has been examined. As such, trial of the case is likely to take long time to conclude. The main accused Inderpreet Singh Manchanda has been granted concession of bail by the trial Court vide order dated 16.05.2023 and his mother Paramjit Kaur has been granted concession of anticipatory bail by this Court vide order dated 15.05.2023 passed by this Court in CRM-M No.22710 of 2023 titled as *Paramjit Kaur Vs. State of Punjab*.

13. Keeping in view the aforesaid facts and circumstances, no useful purpose would be served in keeping the petitioner behind the bars. Consequently, all three petitions are allowed and the petitioners are ordered to be released on regular bail on execution of adequate personal bond and surety bond to the satisfaction of concerned trial Court/Duty Magistrate.

14. Nothing observed hereinabove shall be construed as expression of opinion of this Court on merits of the case and the trial Court shall proceed without being prejudiced by observations of this Court.

(HARPREET SINGH BRAR)
JUDGE

January 11, 2024
Pankaj*

Whether speaking/reasoned Yes/No

Whether reportable Yes/No