

(297)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-12784-2024

Date of Decision: 20.03.2024

RANJEET SINGH @ RANJIT SINGH

... Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Manu Loona, Advocate
for the petitioner.

Mr. Mohit Saroha, Asstt. A.G., Punjab.

Mr. Ajay Kamboj, Advocate
for the complainant.

JASJIT SINGH BEDI, J.

The prayer in the present petition under Section 439 Cr.P.C. is for the grant of regular bail in case bearing FIR No.104 dated 20.07.2022 registered under Sections 420, 120-B IPC at Police Station City Fazilka, District Fazilka.

2. The present FIR came to be registered at the instance of Savarna Bai wife of Raj Singh and the same reads as under:-

“To the senior superintendent of Police Fazilka subject application for and action to be taken against 1. Mangat Ram MD, 2. Manpreet Kaur wife of Mangat Ram resident of Dhani Visakha Wala Pind Mohammed Piranh, 3. Ranjeet Singh Director son of Narayan Singh resident of village Mammu KheraKhatwa Tehsil And District Fazilka. Sir, it is requested that I am Swarna Bai wife of Raj Singh resident of village Chak Bajida Gehle Wala Tehsil Jalalabad district Fazilka. That the persons mentioned above are the owner of

Nicer Green Forest India Limited and in view of the FD Scheme by the Nicer Green Company, in the year of 2015, I got deposited a sum of Rs.1,00,000/- in my name, as FD vide Receipt No. 2316 dt. 18.08.2015 through Agent Krishan son of Balkar Singh, resident of village Abhunn at the company's office in front of the Bala Ji Mandir, Abohar thereafter the FD was matured on dated 18.08.2020 and it was assured by the company that the amount to the tune of Rs.1,78,000/- shall be paid to me, thereupon on number of occasions, for the withdrawal of FD Money, I had visited the Company's Office by taking along the Agent Krishan with me, but the matter is being dilly delayed by the M.D. of the Company but no money had been given to me and consequently I alongwith Agent Krishan Kumar are making repeated rounds to the Company's Office for matured money, but we have not received any money from the Company. And then after few days, we came to know that the above mentioned accused persons had jointly established a company and by collecting money from the people on the pretext of F.D., they are committing fraud with them. That firstly they make the innocent persons to have their money invested in their company on the pretext of greater return and when the time for returning the money arrives they keep on dilly-delaying the matter. And in this manner the aforementioned accused persons are running the business of deceiving peoples in the name of a company. It is requested that liable legal action be taken against the aforementioned accused persons and justice be provided to me. I shall be highly thankful to you. Applicant Left Thumb Impression Savarna Bai wife of Raj Singh resident of Village Chak Bajida Wala Tehsil and District Fazilka mobile number 98155-14381, UID No. 2333618 Senior Superintendent of Police, No.2723-PC DATED 11.05.2022, I/C EOW, report after Enquiry. Sd/- Senior Superintendent of Police.”

3. The learned counsel for the petitioner contends that he has been falsely implicated in the present case. A civil litigation has been given the colour of a criminal offence. In fact, one Mangat Ram was the Managing Director of the Company and the petitioner was having no role in the same being only a 10th pass who had been employed at a salary of Rs.5000/- per month. In fact, Mangat Ram had been granted the concession of interim anticipatory bail and during those proceedings, a compromise is being arrived at with all the aggrieved persons. As the petitioner was in custody since 01.12.2023 but none of the 41 prosecution witnesses had been examined so far, the Trial of the present case was not likely to be concluded anytime soon and therefore, he was entitled to the concession of bail moreso when the case was triable by the Court of a Magistrate.

4. On the other hand, the learned State counsel along with the counsel for the complainant contend that the petitioner and his co-accused cheated the complainant of a huge amount of money. Therefore, he was not entitled to the concession. They, however, concede that a compromise proceedings are on between the accused persons on the one hand and the aggrieved victims on the other. They also concede that the petitioner was in custody since 01.12.2023, none of the 41 prosecution witnesses had been examined so far and that the case was triable by the Court of a Magistrate.

5. I have heard the learned counsel for the parties.

6. This Court in the case titled as ***Maninder Sharma Vs. State Tax Officer, State, Mobile Wing, Jalandhar, Punjab bearing CRM-M24033-2021(O&M) Decided on 31.08.2022*** has held as under:-

“Therefore, broadly speaking (subject to any statutory restrictions contained in Special Acts) , in economic offences involving the IPC or

Special Acts or cases triable by Magistrates once the investigation is complete, final report/complaint filed and the triple test is satisfied then denial of bail must be the exception rather than the rule. However, this would not prevent the Court from granting bail even prior to the completion of investigation if the facts so warrant. ”

7. The veracity of the prosecution case against the petitioner and his co-accused shall be adjudicated upon during the course of the Trial. Admittedly, the petitioner is in custody since 01.12.2023 and none of the 41 prosecution witnesses have been examined so far. The case is triable by the Court of a Magistrate. Therefore, the Trial of the present case is not likely to be concluded anytime soon. There are no serious apprehensions expressed by the State that the petitioner would abscond from justice, tamper with the evidence or influence witnesses if granted the concession of bail. Therefore, in this situation, the further incarceration of the petitioner is not required.
8. Thus without commenting on the merits of the case, the present petition is allowed and the petitioner-Ranjeet Singh @ Ranjit son of Narain Singh is ordered to be released on bail on his furnishing bail bonds and surety bonds to the satisfaction of learned CJM/Duty Magistrate, concerned.
9. The petitioner (or anyone on his behalf) shall prepare an FDR in the sum of Rs.50,000/- and deposit the same with the Trial Court. The same would be liable to be forfeited as per law in case of the absence of the petitioner from trial without sufficient cause
10. The petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

20.03.2024

JITESH

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