

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-13756-2024 (O&M)
Date of Decision: 22.04.2024

Suresh Kumar*Petitioner*

Versus

State of Punjab*Respondent*

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Vinod Ghai, Senior Advocate, with
Mr. Arnav Ghai and Mr. Saurav Dogra, Advocates,
for the petitioner.

Mr. Vinay Kumar Malhotra, DAG, Punjab,
assisted by SI Jaswant Singh.

Ms. Amarjit Kaur Khurana, Advocate,
for the complainant.

FIR No.	Dated	Police Station	Section/s
368	06.12.2023	Zirakpur, District SAS Nagar	420, 406, 506, 379-B IPC (Section 384 IPC added later on)

GURVINDER SINGH GILL, J.

1. The petitioner seeks grant of regular bail in respect of aforementioned FIR.
2. The FIR was lodged at the instance of Gursharan Singh Gogia, wherein it is stated that he knows one Ranjit Singh since the last 10-12 years. About 2 months back, he received a call from said Ranjit Singh and who later came to meet him alongwith Harpreet Singh and Gurpreet Singh on 11.10.2023 at his house in Khanna and requested him to introduce them to M.K. (Lala), who was residing in Khanna. Said Harpreet Singh and Gurpreet Singh proclaimed that they have a drug for curing cancer, which is very expensive

and that said M.K. @ Mursalin has a customer for the same. Harpreet Singh and Gurpreet Singh passed on a telephone number of M.K. @ Mursalin to the complainant. The complainant called M.K. @ Mursalin telephonically and arranged for a meeting. When M.K. @ Mursalin came to meet the complainant, he told the complainant that he has a potential customer for the cancer drug and that on an earlier occasion he had earned a profit of Rs.1.5 crores by selling the same and thus, allured the complainant to get associated with him. On 14.10.2023, Ranjit Singh @ Malwai, Harpreet Singh and M.K. @ Mursalin met the complainant at Sahil Hotel, Sirhind and told the complainant that Harpreet Singh and his other associates have dragon, which is used for treatment of cancer and that M.K. @ Mursalin knows a pharmaceutical company interested in purchasing the same. It is further alleged that on 16.10.2023, M.K. @ Mursalin came alongwith a purchaser party and took the complainant alongwith them towards Kalesar forest where Harpreet Singh and Ranjit Singh were present and who showed the animal to the purchaser, who had come from Delhi. M.K. @ Mursalin agreed to purchase the dragon from Harpreet Singh for Rs.5.70 crores and stuck a deal with the purchaser for Rs.8.85 crores. The complainant was impressed with the huge amount projected as profit. However, the deal could not materialize, as M.K. @ Mursalin was falling short of some amount. M.K. @ Mursalin allured the complainant to invest money by representing that they could earn a profit of Rs.3 crores by arranging the deficit payment. It is alleged that the said person, thus, induced the complainant to become their partner and on 18.10.2023, the complainant alongwith his father Sohan Singh went to the accused alongwith an amount of Rs.1.80 crores out of which 1.60 crores was handed over to them near

Zirakpur and from there, they proceeded to Kalesar, where the complainant was made to sign on certain documents on the pretext that an agreement is required to be executed. Later, the complainant was dropped at Saha. When the complainant demanded his share of profit, the accused kept on dilly-dallying the matter and later started threatening him to cause loss to his life as well as of other members of his family. The complainant, thus, alleged that he had been defrauded.

3. It is further the case of prosecution that on 16.12.2023, the complainant got a supplementary statement recorded to the effect that Suresh Kumar (petitioner) was also involved in the said crime and that the complainant could not name him earlier, as his name was not known to him.
4. Learned senior counsel appearing on behalf of the petitioner submits that he is nowhere named in the FIR and came to be nominated subsequently on the basis of a supplementary statement of the complainant. It has been submitted that no specific role is attributed to the petitioner in the FIR and that it is the co-accused, namely, Harpreet Singh, Gurpreet Singh, M.K. @ Mursalin and Ranjit Singh, who are attributed specific roles. It is further submitted that although the complainant alleges that he paid a huge amount of Rs.1.60 crores to accused, but the entire amount is neither stated to be paid through any bank transaction nor the source of such huge amount in cash is forthcoming. Learned senior counsel submits that since the petitioner has been behind bars for the last about 3 months and investigation qua him stands concluded, no useful purpose would be served by further detaining him behind bars any longer.

5. Opposing the petition, learned State counsel submits that the petitioner upon being arrested suffered a disclosure statement on 20.01.2024 admitting his

involvement in the entire crime and that the petitioner otherwise also stands involved in 5 other cases and thus, being a habitual offender, he does not deserve the concession of bail. Learned State counsel has, however, informed that the petitioner as on date has been behind bars since the last about 2 months & 26 days.

- 6. Learned senior counsel appearing on behalf of the petitioner has, however, clarified that out of abovesaid 5 other cases, the petitioner already stands acquitted in 2 FIRs, whereas 1 more FIR stands quashed by this Court.
- 7. This Court has considered rival submissions.
- 8. It is not in dispute that the petitioner is not named in the FIR and it is only on the basis of a supplementary statement recorded after about 10 days' of lodging of FIR that the petitioner came to be nominated as accused. The investigation qua the petitioner already stands concluded and challan has been presented. The petitioner has been behind bars since the last about 3 months. Under these circumstances, without commenting anything as regards merits of the case, this Court is of the opinion that further detention of the petitioner will not serve any useful purpose, as the trial has not commenced till date and some of the co-accused are yet to be arrested, which necessarily indicates that conclusion of trial will take some time. The petition, as such, is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

22.04.2024
Vimal

(GURVINDER SINGH GILL)
JUDGE

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