



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

CRM-M No.15616 of 2024
Date of decision: 1st October, 2024

Rajindepal Singh Sohal @ Rajinder Paul Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Davinder Kumar, Advocate for
Mr. PKS Phoolka, Advocate for the petitioner.
Mr. Navdeep Singh, Dy. Advocate General, Punjab
for the respondent/State.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 438 Cr.P.C. in case FIR No.269 dated 15.11.2018 for the offences under Sections 420 and 120-B IPC registered at Police Station Civil Lines Bathinda.

2. On the last date of hearing, i.e. 08.07.2024, while noticing the following submissions made by learned counsel for the petitioner, this Court had granted the concession of interim bail to the petitioner and asked him to join investigation.

“Learned counsel for the petitioner inter alia contends that a perusal of the FIR in question clearly reveals that neither he has been named therein nor is there any whisper qua his involvement in the alleged offence. Learned counsel while drawing the attention of this Court

to the FIR, which has been annexed as Annexure P-1, submits that primarily all the allegations had been levelled against the Director of one GCA Marketing Pvt. Ltd., which had orchestrated a scheme with the false promise to the general public of huge returns thereby duping the public of crores of rupees. Learned counsel has further submitted that it is a matter of record that not even a single penny was ever deposited in the bank account of the petitioner nor was any money ever handed over to him by any of the victims. The petitioner was a promoter of the company and was totally in the dark about the alleged wrong doing of the Directors of the company.”

3. Learned counsel for the petitioner submits that in compliance of the order dated 08.07.2024, the petitioner has joined investigation and cooperated with the investigating agency.

4. Learned State counsel, on instructions from Inspector Jaswinder Singh, does not dispute the factum of the petitioner having joined investigation and cooperated with the investigating agency. However, he submits that certain recoveries are yet to be affected from the petitioner.

5. Hon'ble the Supreme Court has repeatedly emphasized that Courts must assess the prayer for bail application independently, without being swayed by the arguments of the State or the complainant that recovery of certain articles or money is yet to be affected. It has been emphasized by Hon'ble the Supreme Court that the role of the Court is not to aid or assist in recovering the money or articles of the complainant. Rather, the Courts are expected to just prioritize as to

whether the parameters laid down for the concession of bail are met, instead of facilitating the recovery of money etc.

6. In the circumstances, the petition is allowed and the interim order dated 08.07.2024 is made absolute subject to the conditions laid down in Section 438(2) Cr.P.C./Section 482(2) BNSS. Needless to say, in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the bail granted to him.

(MANJARI NEHRU KAUL)
JUDGE

October 1, 2024
rps

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