IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

**CRM-M-15812-2024 (O & M)**
**Date of decision: 14.05.2024**

Lakhveer Singh …... Petitioner

V/s

State of Punjab ...Respondent

**CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI**

Present: Mr. Nitin Narula, Advocate, for the petitioner.

Ms. Ramta K Chaudhary, DAG, Punjab.

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**JASJIT SINGH BEDI, J. (Oral)**

The prayer in this petition under Section 439 Cr.P.C. is for the grant of the regular bail to the petitioner in FIR No.0374 dated 07.11.2020 under Sections 420/465/468/471/120-B IPC registered at Police Station City Muktsar, District Sri Muktsar Sahib.

2. The present FIR came to be registered at the instance of Sukhjit Singh, Inspector CIA/SMS and reads as under:-

> *"SHO, Police Station City Sri Muktsar Sahib, hello, today I, INSP alongwith ASI Joginder Singh no.549/SMS, ASI Dilbagh Singh no.760/SMS, ASI Jasvinder Singh no.71/SMS, S/CT Harbans Singh no.094/SMS, S/CT Bhupinder Singh no.84/SMS, Lady Constable Amandeep Kaur no.1354/SMS, Lady Constable Baljeet Kaur no.312/SMS boarding on private vehicle regarding patrolling, checking of miscreants and in search of terrorists were present at Kotkapura Chowk Sri Muktsar Sahib then informer informed me after took me separate from police party, that Ajay Kumar son of Gaggu Kumar resident of Bhagsar and Ranjit Singh @ Rana son of Gurtej Singh resident*

*of Barkandi Road, Sri Muktsar Sahib in connivance with other persons used to cheat innocent people by opening their bank accounts in different Banks and by taking their signatures on cheque books and blank cheques and kept their ATM with themselves by fraudulently and by transferring black money from other states in their accounts and used this money in anti social activities and purchasing of drugs and weapons. Now Ranjit Singh @ Rana is expired. If raid be conducted in their houses, then from their houses bank pass books, cheque books, blank signed cheques and ATM can be recovered which was obtained from people by fraudulently. Information being solid an offence punishable u/s 420/465/468/ 471/120-B-IPC is made out. So, ruqa by hand S/CT Bhupinder Singh no.84/SMS against Ajay Kumar, Late Ranjit Singh @Rana and other persons be sent to Police Station City Sri Muktsar Sahib, after registration case number be informed. PCR be informed, I, INSP, alongwith companions busy in investigation. Sd/- Sukhjit Singh INSP.CIA/SMS dated 07.11.2020."*

3. After the registration of the aforementioned FIR, the house of Ranjit Singh @ Rana was raided and documents pertaining to the petitioner including (i) pass book of Central Bank of India, Sri Muktsar Sahib having account No.36104376871, (ii) cheque book of account No.7812824084 having 10 blank cheques of Kotak Mahindra Bank, Sri Muktsar Sahib attached with this account, (iii) one mobile No.7814559607 and (iv) one Voter ID plastic card having No.ARC1769827 came to be recovered alongwith various other documents pertaining to other accused.

The petitioner-Lakhveer Singh, Jaspreet Singh and Maninder Singh @ Money (since granted bail vide order dated 05.02.2024 passed in

CRM-M-57082-2022) were nominated as accused in the aforementioned FIR. During investigation, it was revealed that Maninder Singh @ Money was having one more bank account bearing No. 50505177257 with the Allahabad Bank in which transactions had been found to have been done by him. He admitted that he had met Ranjit Singh @ Rana and had opened account No. 7817824084 with the Kotak Mahindra Bank alongwith another account at Allahabad at the instance of Ranjit Singh @ Rana and the ATMs, passbooks and cheque books had been kept by Ranjit Singh @ Rana with him.

On an audit being conducted of the bank accounts of Maninder Singh @ Money, it was revealed that transaction of about Rs.24 lacs had been conducted in the accounts of Maninder Singh @ Money maintained by him in various banks.

Regarding his bank account No.78145696401, it was found that mobile No.9815011021 was registered but this number was in the name of a third person.

It also transpired during the course of investigation that one Sanjay Kulkarni had deposited an amount of Rs.2,10,000/- in the Kotak Mahindra Bank account bearing No.7812824084. On being questioned, Sanjay Kulkarni disclosed that he had deposited the said amount on the asking of one Sunali Dutta with respect to a business transactions.

During investigation, it was revealed that the petitioner-Lakhveer Singh @ Lakhvir Singh had got opened his bank accounts in three different banks i.e. State Bank of India, PNB and Bank of India and had handed over the ATM Cards, cheque books etc. to Ranjit Singh @ Rana to operate the bank accounts. Ranjit Singh @ Rana used to deposit his illegal money generated from smuggling of liquor in these bank accounts of Lakhveer Singh @ Lakhvir Singh. It also transpired that one Jagan Nath, resident of Tamil Nadu had deposited an amount of Rs.2,30,000/- in the bank account of the petitioner and an E-mail was sent by Jagan Nath to the Cyber Crime, Slame, Tamil Nadu that he had been duped by Lakhveer Singh @ Lakhvir Singh. One Manmeet Chhabra informed the authorities through E-mail that he had a chat on Instagram with a lady, namely, Shaina Hudson at whose instance, he had deposited some money in the bank account of the petitioner.

4. The learned counsel for the petitioner contends that the petitioner had been falsely implicated in the present case. The petitioner was not named in the FIR but came to be nominated as an accused on the basis of a disclosure statement of his co-accused. In fact, as he was an illiterate person. A fraud had been played upon him by Ranjit Singh @ Rana. As the petitioner was in custody since 12.06.2021, the report under Section 173(2) Cr.P.C. stood submitted but only 02 out of the 16 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, as his co-accused/Maninder Singh @ Money had been granted the similar concession.

5. The learned counsel for the State, on the other hand, while referring to the reply dated 13.05.2023 contends that heavy transactions had

taken place in the bank accounts of the petitioner which remain unexplained. This creates a doubt regarding the conduct of the petitioner. He was also a habitual offender with two other cases registered against him. Therefore, he was not entitled to the concession of bail. He, however, concedes that the petitioner was in custody since 12.06.2021, only 02 of the 16 prosecution witnesses had been examined so far, a co-accused/Maninder Singh @ Money had been granted the concession of bail and that the case was triable by the Court of a Magistrate.

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

7. 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.*"

8. The veracity of the prosecution case against the petitioner and his co-accused shall be adjudicated during the course of the Trial. Admittedly, the petitioner is in custody since 12.06.2021 and 02 of the 16 prosecution witnesses have been examined so far. Therefore, the Trial in the present case is not likely to be concluded anytime soon. The present case is, however, triable by the Court of a Magistrate and no serious apprehension

has been 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, moreso, when a co-accused has been granted the similar concession.

9. Thus, without commenting upon the merits of the case, the present petition is allowed and the petitioner, namely, Lakhveer Singh is ordered to be released on bail to the satisfaction of the Trial Court/Duty Magistrate concerned.

10. The petitioner shall appear before the police station concerned on the first Monday of every month till the conclusion of the trial and inform in writing each time that he is not involved in any other case/crime other than the case(s) referred to in the reply dated 13.05.2024.

11. In addition, the petitioner (or anyone on his behalf) shall prepare an FDR in the sum of Rs.2,00,000/- 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.

12. The present petition stands disposed of.

**May 14, 2024** **( JASJIT SINGH BEDI)**
sukhpreet **JUDGE**

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