

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-33343-2024
Reserved on: 09.08.2024
Pronounced on: 30.08.2024

Manu Prashant Wig ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. K.S. Brar, Advocate
for the petitioner.

Mr. Jasjit Singh, D.A.G., Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
11	17.01.2019	Civil Lines, Bathinda, District Bathinda	420 IPC

1. The petitioner incarcerated in the FIR captioned above had come up before this Court under Section 439 CrPC, 1973, seeking regular bail.
2. As per paragraph 19 of the bail application and para 9 of the reply, the accused has the following criminal antecedents:

Sr. No.	FIR No.	Dated	Offences	Police Station
1	130	05.10.2018	406/420/465/467/468/471/1 20-B IPC	SAS Nagar, Mohali, Punjab
2	28	17.02.2020	420/409/120-B IPC	EOW, New Delhi
3	490	23.07.2022	420/506 IPC	Kharnonda, Karnal, Haryana
4	211	26.06.2019	406/420/120-B IPC	Zirakpur, Punjab
5	659	19.12.2022	420/406/120-B IPC	Kharnonda, Karnal, Haryana
6	3	10.06.2020	406/409/420/120-B IPC	CID Crime, Ahmadabad, Gujrat.
7	210	17.11.2022	420/406/120-B IPC	Khui Khera, Fazilka
8	02	01.01.2022	420/406506/ IPC	Mabana, Meeru, UP
9	101	23.02.2022	420/406/120-B IPC	Zirakpur, Punjab
10	543	2018	420/406/467 IPC	Sector-38, GTP, Noida

3. The facts and allegations are being taken from the short reply filed by the concerned DySP, which reads as follows:-

“3. That in compliance with the aforesaid order of the Hon'ble Court, the answering deponent called for the status report from Harjot Singh Inspector, SHO, Police Station Civil Lines, Bathinda pertaining to the FIR No.11 dated 17.01.2019, Station under section Civil Lines, 420 IPC, Police Bathinda, District Bathinda. After perusing the said status report received vide no. 1223/5A dated 28.07.2024, it has surfaced aforesaid that the FIR was registered against the accused-petitioner and accomplices Ashok Wig, Pankaj Goel, Prajesh Sinha, Harjit Singh and Varinder Kumar Sharma, on the basis written complaint filed by the complainant Uma Verma s/o Sita Ram Senior Superintendent of to the Police, Bathinda, wherein, the complainant sought legal action against co-accused Deepak Soni, Gaurav Jain, Verinder Sharma and Bharat Bhushan committing cheating with the complainant.

The Precise facts of the complaints are that an application was moved by Uma Verma, Gian Singh, Parminder Singh, Ravinder Kumar and Ram Babu to the Senior Superintendent of Police Bathinda against the accused Varinder Sharma, Deepak Soni, Gaurav Jain and Bharat Bhushan for committing fraud, alleging therein that Deepak Soni and Varinder Sharma had committed cheating with the innocent people with allurements to give double amount of the deposits. The accused took lacs of rupees from the innocent person and made them believe that they used to invest the said money in the Films and will return back the same along with huge interest and in this regard agreement will also be executed with the Company and company will give monthly interest in return to the investors. But after passage of time the complainant demanded their money from Deepak Soni. He initially avoided the complainant and said that they (complainants) should forget about their money. When the aforesaid complainant told the accused Deepak Soni about taking legal action against him, then he threatened them that if invested money is demanded, in that event he (Deepak Soni) will mention his/her name in his suicide note and said that he had not invested complainant's money in any company, rather he purchased a house worth Rs. 20-25 lacs. Besides this, he purchased a car, motorcycle and other valuable articles for the house. Similarly, accused Varinder Sharma and Gaurav Jain along with Bharat Bhushan have also purchased houses and costly cars. Complainant stated that along with Deepak Soni, Varinder Sharma, Gaurav Jain and Bharat Bhushan were also involved in commission of cheating with innocent people and accused used to allure people by calling them in hotels. Besides Punjab, the accused had trapped innocent people in the other states such as Haryana, Uttar Pradesh, Bihar etc. In this way the accused had embezzled crores Rupees from the innocent people.”

4. The petitioner's counsel prays for bail by imposing any stringent conditions and contends that further pre-trial incarceration would cause an irreversible injustice to the petitioner and their family.

5. The State's counsel opposes bail and refers to the reply.

6. It would be appropriate to refer to the following portions of the short reply, which read as follows:-

“ROLE OF ACCUSED-PETITIONER

7. That as per the evidence collected by police, it has surfaced that the Blue the Fox Motion Pictures Pvt. Ltd. was established by the accused Harjeet Singh and initially he was having 90% share of the said company and the accused Prajesh Sinha was having 10% shares of the company. The accused-petitioner, Harjeet Singh, Pankaj Goyal and Prajesh Sinha were the Directors of the aforesaid company. The accused-petitioner and accused Pankaj Goyal were having 50%-50% share in Blue Fox Motion L.L.P. and the accused-petitioner was the only shareholder in the B.F.X. Cripto Works Limited. The accused-petitioner and the aforesaid accomplices have duped crores of Rupees from the innocent people by getting their money invested in their companies. Many more FIRS have been registered against the accused-petitioners and the accomplices for committing cheating with the innocent misappropriating their money.

EVIDENCE AGAINST ACCUSED-PETITIONER

8. Further stated that during the course of thorough inquiry and investigation, the incriminating role, involvement and evidence for commission of offence was surfaced against accused-petitioner, as the aggrieved persons recorded their statements that the accused- petitioner alongiwth co-accused used to organize meetings in various hotels of Bathinda in order to allure the innocent people to invest money in their company and in return they (accused-petitioner and co-accused) assured hefty profit. The accused-petitioner used to receive payments from the innocent people in their company's (Blue Fox Motion Pvt. Ltd.) account no. 259807555555, running Indus Ind Bank, through co-accused Varinder Sharma or directly form the aggrieved persons. As per available record the aforesaid account was opened by the accused-petitioner and while getting opened said account, the accused petitioner had duly singed on the account opening form of the bank being designated authority of & on behalf of Blue Fox Motion Picture Ltd. LLP. At the time of submitting accounting opening form, the accused petitioner had mentioned his PAN No.- AAZP03408P. The aforesaid Company Pictures LLP i.e. was issued Blue Fox Motion Certificate of Incorporation and LLP Identification Number:- AAH-8767 by the Registrar of Companies, Ministry of Corporate Affairs, Government of India, Kanpur, Uttar Pradesh, 208002, India It is worthwhile to state that the accused- petitioner was one of the mastermind in the commission of fraud with innocent people and misappropriation of crores of money.”

7. The allegations are of duping people by promising them exorbitant returns on investments and then fleeing away with their money. The allegations are heinous, but the offense occurred due to a lack of government safeguards in the non-banking sector and a lack of apt regulations. Evil people are always on the hunt to grab these shortfalls. The illegal chit fund companies and non-banking financial companies mushroomed under the eyes of law enforcement agencies and the concerned government agencies and authorities, who did not take any timely actions against such scamsters, resulting in massive loss of people’s wealth. The loss to the people is massive, but the petitioner

cannot be kept in pre-trial custody for an unlimited period.

8. There is sufficient prima facie evidence connecting the petitioner with the alleged crime. However, per the petitioner's counsel, the petitioner is in custody for eight months. Given the penal provisions invoked viz-a-viz pre-trial custody, coupled with the prima facie analysis of the nature of allegations, and the other factors peculiar to this case, there would be no justifiability for further pre-trial incarceration at this stage, subject to the compliance of terms and conditions mentioned in this order.

9. Without commenting on the case's merits, in the facts and circumstances peculiar to this case, and for the reasons mentioned above, the petitioner makes a case for bail. This order shall come into force from the time it is uploaded on this Court's official webpage.

10. Given above, provided the petitioner is not required in any other case, the petitioner shall be released on bail in the FIR captioned above subject to furnishing bonds to the satisfaction of the concerned Court and due to unavailability before any nearest Ilaqa Magistrate/duty Magistrate. Before accepting the surety, the concerned Court must be satisfied that if the accused fails to appear, such surety can produce the accused.

11. While furnishing a personal bond, the petitioner shall mention the following personal identification details:

1.	AADHAR number	
2.	Passport number (If available) and when the attesting officer/court considers it appropriate or considers the accused a flight risk.	
3.	Mobile number (If available)	
4.	E-Mail id (If available)	

12. The petitioner shall abide by all statutory bond conditions and appear before the concerned Court(s) on all dates. The petitioner shall not tamper with the evidence, influence, browbeat, pressurize, induce, threaten, or promise, directly or indirectly, any witnesses, Police officials, or any other person acquainted with the facts and circumstances of the case or dissuade them from disclosing such facts to the Police or the Court.

13. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.

14. A certified copy of this order would not be needed for furnishing bonds, and any Advocate for the Petitioner can download this order along with case status from the official web page of this Court and attest it to be a true copy. If the attesting officer wants to verify its authenticity, such an officer can also verify its authenticity and may download and use the downloaded copy for attesting bonds.

15. Petition allowed in terms mentioned above. All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

30.08.2024
Jyoti Sharma

Whether speaking/reasoned : Yes
Whether reportable : No.