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217 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-33700-2024

Date of Decision: 22.08.2024

Sanjeev Kumar

..... Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. A.P.S.Deol, Sr. Advocate with
Mr. Puneet Sharma, Advocate, for the petitioner.
Mr. Tarun Aggarwal, Sr. DAG, Punjab.
Mr. Inder Preet Singh, Advocate and
Mr. Ravinder Singh Maur, Advocate, for the complainant.

Rajesh Bhardwaj, J.

1. The petitioner has approached this Court praying for grant of anticipatory bail in a case FIR No.71, dated 26.06.2024, registered under Sections 420, 406, 120-B IPC, at Police Station Maur, District Bathinda.
2. Adumbrated facts of the case are that complainant, namely, Balveer Singh lodged a complaint with the Police alleging therein that Sanjeev Kumar son of Hem Raj (petitioner) alongwith his accomplice committed fraud by collecting money from more than 150 persons on the pretext of giving plots by carving out a colony. On the basis of enquiry report dated 119/154/Maur/2024 dated 26.06.2024 conducted in an application filed by the complainant, the present FIR was registered. It was alleged that the complainant was engaged in occupation of agricultural work. He used to go to Maur Mandi for every type of domestic and business related works. Jaspal Singh son of Dhan Singh resident of his village, who is now residing at Maur Mandi, was having joint/common shop of manure-spray and seeds with Sanjeev Kumar since 1996. In the month of June 2018,



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the complainant had gone to their shop for purchasing seeds etc. and there he met with Sanjeev Kumar and others. He was allured by them by saying that they are carving out a colony in Maur Mandi and there would be total 300 plots and the persons who would give money in advance, would be allotted plots at the concessional rates. On as the asking of Sanjeev Kumar, the complainant gave Rs.5 lacs to Sanjeev Kumar and Jaspal Singh. However, even after a period of about six months, no plot as told to him was given to him. They kept on avoiding the same on one pretext or other. In March, 2023, the complainant and other victims asked them to allot the plots or return their money. But they were threatened by Sanjeev Kumar who refused to return their money. It was alleged that the complainant and other persons had given money to the accused for allotting them plots, but neither the plots were allotted nor money was returned to them. Thus, the present FIR was registered for taking legal action against Sanjeev Kumar and his accomplices. After registration of the FIR, the investigation commenced. Apprehending arrest, the petitioner approached the Court of learned Additional Sessions Judge, Bathinda for grant of anticipatory bail, however, after hearing both the sides, the Court declined the same vide order dated 10.07.2024. Aggrieved by the same, the petitioner is before this Court praying for grant of anticipatory bail.

3. Learned Senior Counsel for the petitioner has vehemently contended that the petitioner has been falsely and frivolously implicated in the present case. He has submitted that the petitioner is running a licensed pesticide store i.e. M/s New Malwa Pesticides Store, Maur through a proprietorship concern. Earlier father of the petitioner Sh. Hem Raj was



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running the said firm since the year 2002. However, after the demise of his father in the year 2016, the petitioner has been carrying forward the family business. He submits that besides this, the petitioner is also running a wholesale business of commission agent. He has submitted that one Jaspal Singh, who shifted to village Maur Mandi, taking note of his goodwill and connectivity, had developed proximity with the petitioner by alluring him in investment business assuring high return. However, with the passage of time, the petitioner realized the misconduct of said Jaspal Singh and having been cheated by Jaspal Singh, the petitioner instituted multiple litigation both criminal and civil against Jaspal Singh. He submits that it was also realized by the petitioner that Jaspal Singh is exploiting his goodwill. It is submitted that the petitioner has no nexus with the allegations made against him in the FIR. He further submits that grievances of the complainant are only qua Jaspal Singh, whereas, the petitioner has been made scapegoat being permanent resident of Maur Mandi, Grain Market. He submits that as per own affidavit dated 09.02.2023 of the complainant, he had paid Rs.5 lacs to Jaspal Singh, who was working as commission agent, where the petitioner was selling his crops. It is submitted that the complainant used to deposit his saved amount with Jaspal Singh for getting higher return. He submits that as many as 55 other such agriculturists have been cheated by Jaspal Singh and thus, feeling aggrieved, authorized the Kissan Union to take collective action on their behalf against Jaspal Singh. He submits that the petitioner is known to the complainant, but because of proximity of Jaspal Singh with the petitioner, he has been falsely implicated in the present case. He has submitted that earlier while working with Jaspal Singh, the petitioner



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himself was aggrieved and was cheated by him. He submits that as per the FIR, transaction was made by the complainant in the year 2018 and thus, there is no justification of lodging the FIR after an unexplained delay of six years. He further submits that in the affidavit given by the petitioner and other similarly situated farmers, the allegations are against Jaspal Singh and not against the petitioner. Thus, he submits that from the facts and circumstances, it is apparent that the allegations of cheating with the complainant and other farmers have been made qua Jaspal Singh and no case as alleged against the petitioner is made out. Hence, there being no *prima facie* case against the petitioner, the petitioner deserves to be granted anticipatory bail.

4. Learned counsel for the complainant has vehemently opposed the submissions made by learned Senior Counsel for the petitioner. It has been submitted that there are specific allegations against the petitioner who is instrumental in alluring not only the petitioner but many other innocent farmers, who have paid a huge amount to the petitioner and his accomplice. It is submitted that the enquiry was conducted on the complaint filed and finding the same to be genuine, the present FIR has been lodged. It is submitted that there being a strong *prima facie* case against the petitioner, no case for the grant of anticipatory bail is made out.

5. Short reply by way of affidavit of Rahul Bhardwaj, PPS, Deputy Superintendent of Police, Sub-Division Maur, Bathinda filed in Court is taken on record. Learned State counsel has also vehemently opposed the submissions made by learned Senior Counsel for the petitioner. It is submitted that preliminary enquiry was conducted and the allegations

made against the petitioner and his accomplice were found to be substantiated and thus, the present FIR was lodged. It is submitted that during the investigation statements under Section 161 Cr.P.C. of aggrieved persons were recorded by the Police and it was found that as huge amount of Rs.3,35,25,000/- was misappropriated by the petitioner and Jaspal Singh. He submits that the investigation is at threshold and there being *prima facie* case against the petitioner and other accused, custodial interrogation of the petitioner is essential for the free and fair investigation. It is submitted that there being no case for the grant of anticipatory bail, the present petition deserves to be dismissed.

6. Heard.
7. After hearing learned counsel for the petitioner and perusing the record, it is deciphered that the FIR was registered after conducting the preliminary enquiry on the complaint filed by the complainant. The State has filed status report, wherein, it has been mentioned that the petitioner alongwith his accomplice has committed the offence by cheating the innocent persons and duped crores of rupees and thus, custodial interrogation of the accused-petitioner is requisite for thorough investigation and to trace out other accomplices involved in the commission of offence. As per the status report, details of aggrieved persons/farmers, who were cheated by the petitioner are as under:-

Sr. No.	Name of aggrieved	Date of giving money	Amount misappropriated
1.	Ajmer Singh s/o Amar Singh	May 2019	Rs.4,00,000/-
2.	Manpreet Singh s/o Sadhu Singh	July 2018	Rs.5,00,000/-
3.	Gurnaib Singh s/o Jagroop Singh	January 2018	Rs.6,00,000/-

4.	Jagroop Singh s/o Hakam Singh	January 2019	Rs.5,00,000/-
5.	Ranjit Singh s/o Dhan Singh	November 2018	Rs.11,00,000/-
6.	Paramjeet Singh s/o Balwant Singh	December 2017	Rs.7,75,000/-
7.	Baljit Singh s/o Dhan Singh	October 2018	Rs.17,00,000/-
8.	Jagtar Singh s/o Sham Singh	June 2021	Rs.5,00,000/-
9.	Gurdeep Singh s/o Bharpur Singh	June 2018	Rs.7,40,000/-
10.	Mander Singh s/o Geja Singh	June 2018	Rs.13,00,000/-
11.	Damman Singh s/o Phoola Singh	June 2018	Rs.5,00,000/-
12.	Gurwinder Singh s/o Kaka Singh	June 2018	Rs.10,00,000/-
13.	Buta Singh s/o Naib Singh	November 2016	Rs.5,00,000/-
14.	Gurdeep Singh s/o Pritam Singh	November 2018	Rs.17,00,000/-
15.	Nachattar Singh s/o Pala Singh	July 2018	Rs.6,00,000/-
16.	Nachattar Singh s/o Babbar Singh	November 2018	Rs.20,00,000/-
17.	Balvir Singh s/o Jaggar Singh	June 2018	Rs.5,00,000/-
18.	Kulwinder Kaur w/o Gurmeet Singh	June 2021	Rs.6,00,000/-
19.	Ajaib Singh s/o Pooran Singh	May 2017	Rs.12,00,000/-
20.	Jagdish Singh s/o Pritam Singh	November 2018	Rs.26,00,000/-
21.	Ranjit Singh s/o Vishakha Singh	February 2019	Rs.32,00,000/-
22.	Lovepreet Kaur d/o Ranjit Singh	February 2019	Rs.37,00,000/-
23.	Malkit Singh s/o Bant Singh	May 2017	Rs.10,00,000/-
24.	Gurdev Singh s/o Gulab Singh	June 2018	Rs.5,00,000/-
25.	Gurmail Singh s/o Sardara Singh	October 2018	Rs.12,00,000/-
26.	Jagsir Singh s/o Harbans Singh	October 2018	Rs.5,00,000/-
27.	Major Singh s/o Dalip Singh	November 2017	Rs.6,00,000/-
28.	Jagga Singh s/o Mukhtiar Singh	October 2018	Rs.3,00,000/-
29.	Jaswinder Singh s/o Gurtej Singh	November 2017	Rs.8,00,000/-
30.	Prithi Singh s/o Bachan Singh	November 2017	Rs.10,00,000/-
31.	Amandeep Singh s/o Lachman Singh	November 2017	Rs.10,00,000/-
32.	Harpreet Singh s/o Mukhtiar Singh	May 2017	Rs.4,50,000/-
	Total amount		Rs.3,35,25,000/-



In the investigation so carried on, complicity of the petitioner is *prima facie* found alongwith his accomplice. Needless to say that the investigation is at threshold.

8. Hon'ble Supreme Court in **State represented by CBI Vs. Anil Sharma**, (1997) 7 SCC 187 has held as under:-

“6. We find force in the submission of the CBI that custodial interrogation is qualitatively more elicitation oriented than questioning a suspect who is well ensconded with a favorable order under [Section 438](#) if the code. In a case like this effective interrogation of suspected person is of tremendous advantage in disinterring many useful informations and also materials which would have been concealed. Succession such interrogation would elude if the suspected person knows that he is well protected and insulated by a pre-arrest bail during the time he interrogated. Very often interrogation in such a condition would reduce to a mere ritual. The argument that the custodial interrogation is fraught with the danger of the person being subjected to third degree methods need not be countenanced, for, such an argument can be advanced by all accused in all criminal cases. The court has to presume that responsible Police Officers would conduct themselves in task of disinterring offences would not conduct themselves as offenders.”

9. Hon'ble Apex Court in plethora of judicial precedents including **Gurbaksh Singh Sibbia Vs. State of Punjab**, AIR 1980 SC 1632, has time and again reiterated that while considering the anticipatory bail the Court is to take into consideration the factors like gravity of offence, chances of accused tampering with the evidence and probabilities of his fleeing from justice etc. The Court should be circumspect about the impact of its decision

on the society as well. The anticipatory bail is an extraordinary discretion which should be exercised in the extraordinary circumstances.

10. Weighing the facts of the case on the anvil of the law settled, it is apparent that the complicity of the petitioner has been *prima facie* established. The investigation is at its threshold. Thus, granting anticipatory bail to the petitioner at this stage would scuttle the ongoing investigation.

11. In view of the facts and circumstances of the present case, this Court is of the opinion that the petitioner does not qualify for exercising the extraordinary power by this Court in his favour. Resultantly, the petition being devoid of any merit is hereby dismissed.

12. Nothing said herein shall be construed as an expression of opinion on the merits of the case.

22.08.2024			(RAJESH BHARDWAJ)
sharmila			JUDGE
	Whether Speaking/Reasoned	:	Yes/No
	Whether Reportable	:	Yes/Nos