

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-46640-2024
Reserved on: 16.10.2024
Pronounced on: 28.10.2024

Sandeep Singh Mahal ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. P.S.Ahluwalia, Advocate
for the petitioner.

Mr. Karunesh Kaushal, A.A.G., Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
79	16.07.2020	City Zira, District Ferozepur	406/419/420/467/468/471/ 384/120-B IPC

1. The petitioner incarcerated in the FIR captioned above had come up before this Court under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking regular bail.

2. Per paragraph 11 of the bail application and custody certificate, the accused has the following criminal antecedents:

Sr. No.	FIR No.	Dated/year	Offences	Police Station
1	01	21.02.2023	406/420/465/467/468/471/ 384/120-B IPC	Punjab State Crime, SAS Nagar
2	97	2015	323/324 IPC	Model Town, Ludhiana

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

“3. That the brief facts of the case are that on 12.03.2013, in CA No. 6572/2004, titled as “PGF Limited Versus Union of India” the Hon'ble Supreme Court of India, inter-alia, passed the following order:-

"62.1. Apart from imposing costs for having wasted the precious time of the High Court as well as of this Court in order to ensure that none of the investors customers of

PGF Ltd. who have parted with their valuable savings and earnings by falling a prey to the promise extended to them are deprived of their investments we feel it just and necessary to direct for proper investigation both by the Central Bureau of Investigation as well as the Department of Income Tax and in the event of any malpractice indulged in by PGF Ltd. to launch appropriate proceedings both, civil, criminal and other actions against PGF Ltd. as well as all those who were responsible for having indulged in such malpractice.

62.2. We also direct the second respondent to proceed with its and inspection of PGF Ltd. as well as all its other officers and other premises and after due enquiry to be carried out in accordance with law, take necessary steps for ensuring the refund of the monies collected by PGF Ltd. in connection with the sale and development of land to its various customers."

In view of the aforesaid observations Central Bureau of Investigation (CBI), Department of Income Tax as well as SEBI was entrusted with the investigation regarding alleged malpractices done by PGF Limited."

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 reply, which read as follows:

"14. The accused/petitioner Sandeep Singh Mahal in connivance with other co-accused persons hatched a criminal conspiracy for fraudulent appointment of new directors including petitioner himself in PACL Limited vide Extra Ordinary General Meeting (hereinafter referred as EOGM) shown to have been held on 01.01.2022 at the registered office of PACL Limited in Jaipur, Rajasthan, with the motive of extortion of money. Accused/petitioner Sandeep Singh Mahal after being appointed as a director in PACL Limited used the seal and the letter head of PACL Limited and issued notices under his signatures to various persons/ entities either in possession of properties belonging to PACL Limited or having ownership of properties belonging to PACL Limited. After issuing notices, accused petitioner extorted money from various persons on the pretext of settling their issues with Justice (Retd.) R.M. Lodha Committee, appointed by the Hon'ble Supreme Court of India.

15. During investigation of the case, shareholders of PACL Limited, who were shown to have been attendees of the EOGM dated 01.01.2022, have disclosed that they were not in receipt of any notice of EOGM dated 01.01.2022. Further, they stated that neither they have attended such a meeting shown to have been held on 01.01.2022 at registered office of PACL Limited in Jaipur, Rajasthan nor signed attendance sheet of the EOGM.

16. According to the report of DCP North Jaipur, Rajasthan dated 05.05.2022, PACL Limited office addressed at 22, 3rd Floor, Amber Tower, Sansar Chandra Road, Jaipur, Rajasthan

was in operation from 1996 to 2014, but thereafter, it is closed till date. According to the report of Assistant Engineer C-3, JVVNL, Ajmeri Gate, Jaipur, the electricity connection of the said office was disconnected/closed on 30.03.2016 for not paying the electricity bill. Apart from this, according to the report of Mr. Chandu Modi, the caretaker of that building and Vijay Kumar Sharma, the employee working in the adjacent office have stated that office of PACL Limited has been closed from the last 7-8 years.

17. Further, forms DIR-12 for newly appointed 3 directors were digitally signed by Sukhdev Singh, MD, PACL Limited, who has been in jail since the year 2016. That after being made as new Director of PACL Limited and after entering into conspiracy to commit fraud and to forge documents, accused/petitioner Sandeep Singh Mahal used the stamp and letter heads of M/s PACL Limited, and issued notices to various persons/ entities associated with the company's property and extorted money from them on the pretext of settling their issues with Justice (Retd.) R.M. Lodha Committee, appointed by the Hon'ble Supreme Court of India qua properties owned or having interest of PACL Limited."

7. Pre-trial incarceration should not be a replica of post-conviction sentencing. There is sufficient prima facie evidence connecting the petitioner with the alleged crime. However, per paragraph 16 of the reply filed to the bail petition, the petitioner has been in custody since 25.11.2022. Per the custody certificate dated 15.10.2024, the petitioner's total custody in this FIR is 01 year, 10 months and 20 days. 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 further pre-trial incarceration at this stage.

8. 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.

9. 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.

10. 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)	

11. This order is subject to the petitioner's complying with the following terms.

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

28.10.2024
Jyoti Sharma

Whether speaking/reasoned: Yes

Whether reportable: No.