

CRM-M-57082-2022 (O & M)
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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-57082-2022 (O & M)
Date of decision: 05.02.2024

Maninder Singh @ Money

..... Petitioner

V/s

State of Punjab

...Respondent

CORAM: HON’BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Karandeep S. Sandhu, Advocate, for the petitioner.
Ms. Ramta K Chaudhary, DAG, Punjab.

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.374 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 Sukhjot 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

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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 Gaggi 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

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Voter ID plastic card having No.ARC1769827 came to be recovered alongwith various other documents pertaining to other accused.

The petitioner, Lakhvir Singh and Jaspreet Singh were nominated as accused in the aforementioned FIR. During investigation, it was revealed that the petitioner 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. The petitioner 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 the petitioner, it was revealed that transaction of about Rs.24 lacs had been conducted in the accounts of the petitioner 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.

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4. The learned counsel for the petitioner contends that the petitioner had been falsely implicated in the present case. He had not been named in the FIR but had been nominated as an accused on the basis of certain documents purportedly recovered from the residence of Ranjit Singh @ Rana. Merely because some bank documents were in the custody of Ranjit Singh @ Rana does not mean that an offence had been committed by the petitioner. No complaint had ever been made against the petitioner by anyone to the effect that he had been cheated. As the petitioner was in custody since 12.06.2021, only 01 out of the 16 prosecution witnesses had been examined so far and that the case was triable by the Court of a Magistrate, the petitioner was entitled to the concession of bail.

5. The learned counsel for the State, on the other hand, while referring to the reply dated 25.05.2023 contends that heavy transactions had taken place in the bank accounts of the petitioner. The said transactions remain unexplained. The documents pertaining to some of the bank accounts of the petitioner were found in the house of Ranjit Singh @ Rana. This creates a doubt regarding the conduct of the petitioner. The petitioner 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 01 out of the 16 prosecution witnesses had been examined so far and that the case is triable by the Court of a Magistrate.

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

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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 01 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.

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

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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/status report dated 25.05.2023.
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.

February 05, 2024
sukhpreet

(JASJIT SINGH BEDI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No