



**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CRM-M-57885-2023(O&M)

Date of Decision:-14.05.2024

Swarandeeep Singh.

.....Petitioner.

Vs.

State of Punjab.

.....Respondent.

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

Present:- Mr. Rahul Bhargava, Advocate for the Petitioner.

Ms. Ramta K Chaudhary, Deputy Advocate General, Punjab.

Mr. J.S. Grewal, Advocate for the Complainant.

JASJIT SINGH BEDI, J.(ORAL)

The prayer in this petition under Section 439 Cr.PC is for the grant of regular bail in case FIR No.51 dated 15.06.2023 under Sections 420, 406, 120-B, 506 IPC registered at Police Station Jhunir, District Mansa.

2. The present FIR came to be registered at the instance of Jagsir Singh and reads as under:-

“ Copy of Letter No. 95-6-4 56/PS Dated 16.05.2023. Hon'ble SSP Police Station Mansa. To Hon'ble SSP Mansa. From: - Jagsir singh son of Sadhu Singh resident of Heerke Tehsil Sardoolgarh District Mansa. Subject- Complaint against 1) Swarandeeep Singh son of Sarwan Singh (Mobile number-808949655), (2) Simranjit Kaur (Mob No. 86999-44888) wife of Swarandeeep Singh S/o Swaran Singh, (3) Chiragjot Singh son of Swarandeeep Singh son of Swaran Singh resident of Ambala Haal Abaad Nirmal Chaiya A-5, P.H.-4, Zirakpur, District Mohali (85580-43055, -78141-09920). Respected Sir, (1) That I had sold some land in possession, and the amount regarding the same is kept with me, and the information of which was also known to Kala Singh son of Bant singh resident of heerke, whereby he told me to



invest the money in some good work in a foreign country with which you will get a good income and after sometime you will settle in the said country on which he said that his friend namely swarandeep Singh son of Swaran Singh president of Ambala, Who is a well-known in abroad and many of his relatives are also settled in Canada and he will indulge you in some business in Canada and will settle you there on which I trusted Kala Singh and agreed to meet the said person (3) That in December 2014, Kala singh along with above said accused came to my house at Village Heerke where I met all the three accused and accused namely Swarandeep Singh told me that our relatives lives in Canada and Australia and our road Construction Work is going on there. That we can get you road contract work in Canada and Australia which will cost you around one crore rupees which you have to pay in advance, on which I said that I will tell you after considering the same and thereafter the accused went back. (4) After that I didn't talk about it for about a year and thereafter, I got a call from swarandeep Singh on which he started saying that what did you thought about earlier talk which we had whereby he started saying that now the road contracts are open in Canada and Australia and I will get you the contract work and will settle you in the foreign country, on which I came into the talks and I said I will talk to you after having arrangement of money. (5) That even after this the accused continued to call me again and again and told me that you don't have to pay the entire amount of one crore rupees, but you should arrange Rs. 35 lakhs now, and the remaining amount will be taken in installments later, so I agreed to this. (6) That I had the amount of my land sold lying with me. After this in September/October 2016 the said accused person namely Swarandeep Singh and his wife namely Simranjeet Kaur came to my house at my village and at that time my wife Karamjit Kaur and my other family members along with Sukhjinder Singh Nambardar who were present at Heerkey, and in front of them I gave Rs. 35 lakhs to Swarandeep Singh who counted the money and further handed over the said amount to Simranjeet Kaur and both of them counted the money and put it in their bags and took two copies of my documents from me and said that now you should prepare to go out, we will get your road contract in Canada and will let you know soon and also said that this whole process will take about one year. You should arrange the remaining amount soon. (7) That after this, we used to talk to them on which they used to say that your work is going on and will be done soon. (8) That when about a year and a half passed, I asked them about what is the progress of my work on which they replied the work is still going on but now you have to Pay Rs.25



lakhs on which I agreed to pay the same and they also said that they will come to my house and take the amount. (9) That after this in February, 2018 all the three accused came by car at my residence in village heerke District Mansa and at that time I along-with my family members was present in the house and Harpal Singh Son of Mehar Singh, Jasvir Singh son of Sadu Singh were also present in my house, and in their presence I gave Rs. 25,00,000/- to accused swarandeep Singh and his wife Simranjeet Kaur who put all the money into their bags and went back. This Rs. 25,00,000/- was taken by me from Harpal Singh and Jasvir Singh on loan. (10) That after this we used to call the accused persons again and again and ask them about the progress of the work on which they used to say that your work is still going on and the work will be done soon and like this almost a year passed and when I told them That either you get my work done or return my money on which the accused told that can't you wait for one month or two months, your work is almost done on which I kept silent. (11) That in June 2019, I got a call from the accused persons who told me that your work is done but I will have to pay the remaining amount of ₹30 lakhs, and you will arrange the amount and work will be done, whereby I said yes for the sake of saving the large amount which I had earlier given. (12) That after this, I sold my two Kanals of land under pressure and arranged the amount and I called the accused person on which in October 2019, all the three accused persons came to my house where I handed over Rs. 30,00,000/- in the presence of Sukhjinder Singh numberdar and Gurdeep Singh son of Bava Singh resident of heerke and after taking the amount, the accused persons told me that my work will be done shortly. (13) That after this, I called many times to the accused persons but they kept on delaying by making some excuse or the other and thereafter, in March 2020, due to COVID-19 outbreak there was a lockdown abroad; first lingering on the matter on one pretext or other and when I said that if my work is not done then please return my money, then they agreed to return the money. Then from 21/08/2020 to 22/09/2020, a total of 52,600 was deposited in my account and when I told them that you have returned only ₹52,000 out of such a huge amount, then they said you should not worry we will get your work done, just let the lockdown be end. (14) That after this I kept asking them to do my work but they kept on delaying on one pretext or the other and ultimately in August 2022, I went along with panchayat to the accused persons at Zirakpur And told them that you should do my work, else return my money back on which they said that we cannot do your work and we will also not return your money, we wanted to cheat you so we Cheated you, and by



this they said do whatever you want to do and after this Swarandeep Singh showed me a pistol and said that I have a pistol, I have used it many times before and also said that if you take any action against us, we will kill you. (15) That in relation to this, I had given a complaint on 15/11/2022 against the above-said accused persons with for cheating under pretext of settling me in abroad with a good business and after misleading me and cheated me of one crore and against the said accused person legal action be taken and my money should be returned back. That the complaint given by me on 15/11/22 in connection with which I was called to zirakpur police station on which I along with Sarwinder Sharma son of Mansa Ram resident of Heerke and Avneet Singh son of Joginder Singh resident of Mohali police station Zirakpur went to the police station but none of the accused person was present there. Thereafter on 21/02/2023, I along with Sarwinder Sharma son of Mansa Ram resident of Heerke and Avneet Singh son of Joginder Singh resident of Mohali police station Zirakpur gathered at Gurudwara Nabha sahib, where accused person also came whereby on 21/02/2023, panchayat meeting was held, in which it was given in writing by the accused person that they have taken an amount from me and out of which Rs. 27,00,000/- will be given back/ paid to me by Swarandeep Singh, but the amount which was received from me by the person at different times, I had demanded back including the damages and the entire amount. After which the next panchayat meeting was decided to be held at Gurudwara Nabha sahib on 05/03/2023 at 11 AM, after which another meeting was decided to be held at Gurudwara Nabha sahib on 05/03/2023 where all the proofs were placed before the accused person in panchayat by me, and there the accused person verbally agreed to pay me 270,00,000/- Lakhs in the Panchayat, but there was nothing in written regarding this and after this, we did not have any panchayat meeting. That the agreement which was done in Panchayat on dated 21/02/2023 is enclosed here with. (16) That the agreement entered into by the accused person in panchayat meeting held on 21/02/2023 is attached as evidence. According to the Panchayat meeting held on 21/02/2023 and on 05/03/2023, in which the accused person promised to pay the amount, but now the accused person refused from the agreement and after which I was forced to give this complaint against the said accused person to Hon'ble SSP Mohali on 28/03/2023, but no legal action was taken against the said accused person, so it is hereby requested before you that the said accused persons in connivance with each other and on the pretext of settling me in abroad and providing the road contract work under the pretense of making good money, have



committed fraud of one crore and regarding this, I have call recordings, WhatsApp chat, text messages with accused Swarandeeep Singh as a proof the accused person has given me confidence to return my entire amount including the profit and I am attaching call recording, WhatsApp chat, text messages as a proof with this application. Therefore, Immediate legal action be taken against the said accused persons and case be registered for committing fraud of crore of rupees and Threat being given to kill me and my family, so that in future, this kind of fraud with a person like me cannot be committed with anyone and they can learn a lesson. Justice should be delivered to me, so that my faith shall remain on law and police administration, I will be very thankful to you. Attached documents - 1) Written agreement copy in panchayat held on dated 21/02/2023, (2) Dated-28/03/2023-copy of Complaint given to SSP Mohall. (3) Copy of WhatsApp chat, text messages with accused persons. Yours sincerely- SD/-Jagsir sing son of Sadhu Singh resident of heerke Tehsil Sardoolgarh district Mansa. Mobile number- 94171-41600."

3. The Counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. The first inquiry was conducted by the SHO concerned and he had concluded that it was a case of business transaction between the parties and no criminal offence was made out. However, taking the allegations to be correct, it did not stand to reason that the entire payment was made in cash without any corresponding document being executed. Be that as it may, as the petitioner was in custody since 03.10.2023, none of the 19 Pws had been examined so far and the case was triable by the court of a Magistrate, he was entitled to the concession of bail.

4. The Counsel for the State on the other hand while referring to the Status report dated 17.02.2024 contends that the petitioner and his co-accused took a huge amount of money on the pretext of sending the complainant abroad. He was neither send abroad nor was the money refunded to him. Therefore, the nature of the allegations levelled against the petitioner did not entitle him to the concession of bail. He however



concedes that the petitioner is in custody since 03.10.2023, none of the 19 Pws had been examined so far and that the case was triable by the court of a Magistrate.

5. The Counsel for the complainant contends that the nature of the allegations levelled against the petitioner did not entitle him to the concession of bail.

6. I have heard 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-M-24033-2021(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 upon during the course of the Trial. Admittedly, the petitioner is in custody since 03.10.2023 but none of the 19 Pws had been examined so far. Therefore, the Trial of the present case is not likely to be concluded anytime soon. Further nothing significant has been pointed out by the State that the petitioner would abscond from the Trial, tamper with the evidence or influence the witnesses if he is granted the concession of regular bail. Therefore, his further incarceration is not required.

9. Thus without commenting on the merits of the case, the present petition is allowed and the petitioner-Swarandeep Singh son of Sh. Sarwan Singh is ordered to be released on bail subject to his furnishing bail bonds



and surety bonds to the satisfaction of learned CJM/Duty Magistrate, concerned.

10. 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.

11. The petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

May 14, 2024
Vinay

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