

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

224

CRM-M-61738-2023

Date of decision: 19.01.2024

Arun Singh Guleria

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Ranjeet K. Jaswal, Advocate
for the petitioner.

Mr. Mohit Kapoor, Addl. A.G., Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 439 of the Cr.P.C. in case FIR No.253 dated 01.09.2023 under Sections 406, 420, 120-B of the IPC and Sections 4, 5, 12, 18, 76 of the Chit Funds Act, 1982 (Section 76(2) of Chit Funds Act, 1982 and Sections 21 and 23 of the Banning of Unregulated Deposit Schemes Act added lateron) registered at Police Station Zirakpur, District SAS Nagar (Mohali).

2. Learned counsel for the petitioner inter alia contends that the petitioner was merely an employee of the company which was being run by the prime accused Subhash Sharma and it was in his capacity as such money were collected by the petitioner which was then deposited into the account of the company. Learned counsel submits that in fact the petitioner too had been duped by his former employer as he also had invested his hard earned money in the company for which he had even given a complaint against the prime accused Subhash Sharma leading to

the registration of an FIR against him and others. Learned counsel further submits that the investigation in the case in hand is complete as challan stands presented, hence, his further incarceration would serve no useful purpose as there was no possibility of the trial concluding any time in the near future.

3. Per contra, learned State counsel while opposing the prayer and submissions made by learned counsel for the petitioner, on instructions, has submitted that the petitioner was no doubt an employee of the co-accused, however, there were allegations that it was the petitioner, who on behalf of the prime accused, had collected money from people and assured them of handsome returns on the money deposited in the company. It has, however, not been disputed that no money was deposited in the personal account of the petitioner and all the money was deposited in the account of prime accused Subhash Sharma.

4. On a pointed query put to the learned State counsel as to whether the petitioner is involved in any other criminal case, he, on instructions has replied in the negative.

5. I have heard learned counsel for the parties and perused the material placed on record.

6. The petitioner has been in custody in a magisterial trial since 25.10.2023. Charges are likely to be framed on the next date of hearing, hence, the trial would take considerable time to conclude. The petitioner is not stated to be involved in any other criminal case. In the facts and circumstances as enumerated hereinabove, this Court thus, deems it fit to extend the concession of bail to the petitioner.

7. Accordingly, the instant petition is allowed. The petitioner be admitted to bail on his furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

8. Needless to add, in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the same.

19.01.2024 (MANJARI NEHRU KAUL)
Vinay JUDGE

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