IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M No.58267 of 2024
Date of decision: 22nd November, 2024

Sukhwinder Singh @ Sukhi & another
… Petitioners

Versus

State of Punjab
… Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Parminder S. Sekhon, Advocate for the petitioners.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioners are seeking the concession of bail under Section 482 of BNSS read with Section 438 of Cr.P.C. in case FIR No.0210 dated 29.10.2024 under Sections 420, 120-B of the IPC, Sections 318(4), 61(2) of the Bharatiya Nyaya Sanhita, 2023, Section 4 of the Prize Chits & Money Circulation Schemes (Banning) Act, 1978 and Section 21 of the Banning of Unregulated Deposit Schemes Act, 2019 registered at Police Station City Budhlada, District Mansa.

2. Learned counsel for the petitioners contends that the petitioners have been falsely implicated in the present case, along side other co-accused, for allegedly defrauding the complainants of more than ₹36,50,000/-. It has been submitted that the alleged fraud pertains to inducing the complainants to deposit money in a Company named 'Star Life Company', on the assurance of receiving daily returns of 1%.

While drawing the attention of this Court to the allegations levelled in the FIR in question, which has been annexed as Annexure P-1, it is further submitted that the false implication of the petitioners is evident from the absence of specific averments indicating that any funds/money were paid to the petitioners or credited to their bank accounts. Learned counsel has emphasized that as per the case of the prosecution itself, the entire amount in question was transferred into the bank account of one Tehal Singh, who allegedly posed himself as Managing Director of Star Life Company. Accordingly, learned counsel has argued that the petitioners were neither beneficiary of the transactions nor directly involved in the receipt of the funds. It has been submitted that the complainants themselves were active members of the company and had invested money with their own free well in order to gain speedy profit. A prayer has therefore, been made for grant of anticipatory bail to the petitioners as their custodial interrogation is neither necessary in the aforementioned facts and circumstances nor justified.

3. I have heard learned counsel for the petitioners and perused the relevant material on record.

4. Prima facie, a perusal of the FIR in question reveals that there are serious allegations levelled against the petitioners. Allegedly, the petitioners in collusion with their co-accused, who are serving as Govt. employees/teachers, duped vulnerable senior citizens of their hard-earned life-savings, amounting to several lakhs of rupees. As per the allegations, the accused including the petitioners, initially made

some payments to the victims to gain their confidence. However, the payments subsequently ceased, and instead of returning the principal amounts, the accused purportedly cited a *'technical difficulty in the software'* as an excuse.

5. Additionally, it appears from the allegations that the petitioners, who have been specifically named in the FIR in question, were members of the core committee and actively participated in luring the innocent victims. By first gaining their trust, the petitioners along with co-accused, allegedly persuaded the victims to handover their life-savings which were subsequently misappropriated by the accused including the petitioners.

6. Given the nature of the allegations and the alleged active role attributed to the petitioners, this Court does not deem it fit to extend the extraordinary concession of anticipatory bail to the petitioners. The petition stands dismissed. 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.

(MANJARI NEHRU KAUL)
JUDGE

November 22, 2024
rps

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