

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

111+224/2

2024:PHHC:008018

CRM-939-2024 in/and

CRM-M-63091-2023

Date of decision: January 19th, 2024

Masoom Juneja

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Dr. Anmol Rattan Sidhu, Senior Advocate
with Mr. Arshvir Singh Sandhu, Mr. Kanishk Sarup
and Mr. Tarnjot Singh Sidana, Advocates
for the petitioner.

Mr. Mohit Kapoor, Additional Advocate General, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

CRM-939-2024

Prayer in this application is for placing on record copy of
challan/police report as Annexure P-6.

Application is allowed subject to just exceptions.

Annexure P-6 is taken on record.

CRM-M-63091-2023

Petitioner is seeking the concession of regular bail under
Section 439 of the Code of Criminal Procedure, 1973 in case
FIR No.253 dated 01.09.2023 under Sections 406, 420, 120-B of the
Indian Penal Code, 1860, Sections 4, 5, 12, 18, 76, 76 (2) of
Chit Funds Act, 1982, Sections 21 and 23 of the Banning of
Unregulated Deposit Schemes Act registered at Police Station Zirakpur,
District S.A.S. Nagar.

2. Learned senior counsel for the petitioner, *inter alia*, contends that the petitioner was neither named in the FIR in question nor was any role attributed to him either in the challan, which was initially presented on 31.10.2023 or even for that matter in the supplementary challan, which was presented after two months on 23.12.2023; the petitioner was not even an employee of the prime accused Subhash Sharma, who was allegedly running a company, which had been collecting different sums of money and was also dealing in cryptocurrency. Learned senior counsel has submitted that the petitioner, who has clean antecedents, has been nominated as an accused only because he and the prime accused Subhash Sharma owned some joint properties. It has been further submitted that after being arrested on 25.10.2023, investigation in the case in hand is complete and challan stands presented. Hence, his further incarceration in the facts and circumstances would serve no useful purpose as the trial would take considerable time to conclude.

3. *Per contra*, learned State counsel while opposing the prayer and submissions made by the counsel opposite, on instructions, has not disputed the submissions made by the counsel opposite qua the petitioner neither being named in the initial complaint which had been registered or having been in any capacity associated with the company of the main accused Subhash Sharma. However, he submits that the petitioner had purchased some properties along with the prime accused Subhash Sharma.

4. On a pointed query put to the learned State counsel as to whether any evidence had come to the fore that the properties purchased

by the petitioner with prime accused Subhash Sharma had any link with the crime money, he on instructions, has replied in the negative.

5. It has been further submitted by the learned State counsel that the next date fixed before the trial Court is 12.02.2024 when the charges are likely to be framed.

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

7. In the facts and circumstances as enumerated hereinabove, coupled with the nature of allegations levelled of being a joint holder of some property with the prime accused, his further incarceration would serve no useful purpose; as many as 60 witnesses have been cited by the prosecution, the trial would, therefore, taken considerable time to conclude. It has also not been disputed by the learned State counsel, on instructions, that the petitioner is not involved in any other criminal case.

8. The instant petition is allowed. The petitioner be admitted to bail 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.

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

January 19th, 2024
Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No