2024:PHHC:170386

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

341 CRM-M-64849-2023 (O&M)
Date of decision: 18.12.2024

Rinku

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS SURI

Present: Mr. K.S. Brar, Advocate for the petitioner.

Mr. Kanav Singla, DAG, Punjab.

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FIR No.	Dated	Section/s	Police Station
125	17.06.2022	420, 467, 468, 471 and 120-B IPC	Baghapurana, District Moga

VIKAS SURI, J.

1. This is second petition under Section 439 Cr.P.C. for grant of regular bail to the petitioner in the above captioned case FIR. The first petition having been dismissed as withdrawn on 17.11.2023 with liberty to the petitioner to avail alternative remedy before the trial Court and to file fresh petition.

2. The above captioned FIR has been lodged on the complaint by Harnek Singh son of Jeet Singh alleging that he is having 16 acres of land in Village Sekha Khurd and Village Sahoke. Besides the said land,

he has taken some on lease. He also has a cash credit limit from Axis Bank and Union Bank of India secured against the said land. Accused are residents of Village Rajiana and doing business under the name and style of Friend Enterprises (Regd.) at Smalsar. In February 2021, when he was visiting the house of Jugraj Singh son of Gurdev Singh, resident of Village Rajiana, accused Amandeep Singh, Rinku, Geeta Rani and Ram Kumar had also come there for some work. The complainant was informed that they used to invest money of people in shares of multinational companies and return the same with heavy profits. They also informed of having deep knowledge of the said business and photostat copy of some share certificates were shown to the complainant. After sometime, accused started contacting the complainant and induced him. On 20.02.2021, complainant transferred Rs.12 lakh in the Axis bank account of the accused bearing No.206913100001370. The complainant was promised by the accused that his money will be invested in the shares of Indigo Airline. On 1.03.2021, the accused issued him a letter and receipt showing purchase of 786 shares of above said company from his money and assured him that in 2-3 months, prices of the shares will increase and his money would be returned with increased amount. It is further alleged that on 10.03.2021, the complainant transferred Rs.7 lakh to the accused from his account with Union Bank to that of accused with Axis Bank. On the same day, Avtar Singh transferred a sum of Rs.4 lakh and thereafter different amounts from 18.03.2021 to 05.05.2021 in the Axis Bank account of the accused.

In token of receipt of money, accused issued certificates and receipts on their letter pad. On contacting the accused after three months and failing to get any satisfactory response, the complainant requested the accused for the money which he had paid after pledging his land with the bank. The accused started making one excuse or the other, which raised suspicion and on verification of the certificates, the same were found to be false. On 6.03.2022, the accused were requested to return the money but were told them that they have cheated the depositors and neither they have invested the money in any shares nor the same is going to be returned. It is alleged that accused have committed cheating of Rs.72,50,000/- and action be taken against them.

3. Learned counsel for the petitioner submits that petitioner has been falsely implicated in the present case. The FIR has been registered on the statement of the complainant against the petitioner, his brothers, his wife and his father. The petitioner was arrested on 30.10.2022. Investigation is complete; challan was presented on 06.12.2023 and charge stands framed on 13.01.2023. After framing of charge, the first date to lead evidence was 19.01.2023. The complainant was completely examined on 02.03.2023/11.01.2024 (Annexure P-2) and in his cross-examination, he has admitted that no amount was remitted by him in account of the petitioner nor any money was given to the petitioner. It is further contended that petitioner has been falsely implicated in 07 other cases, out of which, he has been acquitted in 02 FIRs and in the remaining, he is on bail. It is further submitted that

petitioner has no business dealings with the firm Friends Enterprises, which is being looked after by co-accused Amandeep Singh, who is brother of the petitioner. The petitioner has been behind bars for more than 02 years and 02 months in a case triable by Magistrate. Out of 09 prosecution witnesses cited, only 03 have been examined so far and the trial is now pending for 21.12.2024. The trial may take long time to conclude. No useful purpose would be served by keeping the petitioner behind bars for an indefinite period.

4. *Per* contra, learned State counsel has opposed the petition. However, the factual aspects have not been disputed. It is submitted that petitioner has been named in the FIR and it has been found that money was transferred in the bank account of his brother, co-accused Amandeep Singh. Learned State counsel would refer to the status report by way of affidavit dated 27.05.2024 to contend that it is not an isolated case of such nature in which the petitioner is involved. He has produced fresh custody certificate of the petitioner showing actual undergone period of 02 years 02 months and 13 days. Referring to the said custody certificate, learned State counsel does not dispute that petitioner has been acquitted in two cases and is on bail in the other five. Reference is made to para 6 of the status report to contend that the receipts are alleged to have been signed by the petitioner, however, he concedes on instructions from SI Harjot Singh that the same do not form part of the challan and as such, cannot be used against the accused.

5. Having heard learned counsel for the parties and given my

thoughtful consideration to the facts and circumstances of the present case, without commenting anything on the merits of the case, lest it may prejudice the trial, the present petition is allowed. The petitioner is ordered to be released on regular bail, subject to his furnishing bail-bond and surety/sureties to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

6. It is made clear that the petitioner shall not influence the trial or prosecution witnesses in any manner directly or indirectly. The petitioner would regularly appear before the trial Court and will not seek unnecessary adjournments.

(VIKAS SURI)
JUDGE

December 18, 2024
sumit.k

Whether speaking/reasoned : Yes / No
Whether Reportable : Yes / No