



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-9824-2025
DECIDED ON: 21.05.2025

MALOOK SINGH UPPAL

.....PETITIONER

VERSUS

STATE OF HARYANA

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. G.S. Dhillon, Advocate
for the petitioner.

Mr. B.S. Virk, Sr. DAG, Haryana.

SANDEEP MOUDGIL, J (ORAL)

1. **Relief sought**

The jurisdiction of this Court has been invoked for the second time under Section 439 Cr.P.C. read with Section 483 of BNSS, 2023 for grant of regular bail to the Petitioner in case FIR No. 678, dated 30.09.2022, under Sections 406, 420, 120-B IPC, 1860 and Section 3 of Haryana Protection of Interest of Depositors (In Financial Establishment) Act, 2013 at Police Station City Panipat City.

2. Prosecution story setup in the present case as per the version in the FIR as under:-

“Complaint no. 1228-HM dated 23.09.2022 along with inquiry report, through post, was received in police station from the office of Superintendent of Police, Panipat. Complaint is to the effect that: To, Hon'ble Manohar Lal Khattar Ji, Chief Minister, Govt, of Haryana, Chandigarh.

Subject : application against (1) Sarvottam Vikas Multi State Housing Co-operative Society Limited, Rega. No. MSCS/CR/1189/2015, 1-2, 3rd floor, Deep Complex, Court, Amritsar, Punjab and 1st floor, Ahluwalia Complex, Bishan Swaroop Colony, Panipat; (2) Malook Singh Uppal (C.M.D.) son of Shri Charanjeet Singh Uppal, Mobile No. 98552-31004; (3) Gurpreet Singh Uppal (M.D.) son of Maloo Singh Uppal, Mobile no. 96537-00054; (4) Harpreet Singh Uppal (M.D.) son of Malook Singh Uppal, Mobile no. 70099-20268; (5) Bhupinder Kaur wife of Shri Malook Singh Uppal, residents of House No. 95, Lane No. 9, Laharka road, Amritsar, Punjab for usurping of crores of rupees from gullible persons by forming Sarvottam Group of Companies and for extending life threats. Sir, applicants do hereby submit that on dated 01.11.2010, aforesaid accused persons had opened an office in the name of Sarvottam Group of Companies on 1st floor Ahluwalia Complex, Bishan Swaroop Colony, Panipat and asked for opening of R.D. and F.D. accounts and aforesaid company was represented to be authorized by government and also shown documents to us and convinced us that you should get opened your own account as also accounts of your relatives, nears and dears and friends and fetch double of the amount so deposited after 06 years. This policy is governed by government and besides it policy issued from L.I.C and Shree Ram Insurance company were also providing policy bonds of R.D. and F.D. After that, we got opened our account as also of our relatives, nears and dears and friends and got deposited crores of rupees with their company and when time for refund of money came, then, aforesaid accused persons closed their office and left. After that we went to Head Office in Amritsar and the said office was also found closed. We telephonically contacted the aforesaid accused persons, then, they extended life threat to us and stated that we were having such type of offices at several places and you cannot cause any harm to us because we are in contract and collusion with leader of high level. That against the aforesaid accused persons FIRs

for commission of crime of fraud have been registered in Kurukshetra and Karnal. F.I.R. no. 331 and 373 and 367/2022 under sections 405, 420, Police station Krishna Gate, Thanesar, Kurukshetra and F.I.R. No. 8/2022 and 188/2022 and 530/2022 under section: 406, 420 IPC, Police Station City, Karnal have been registered. In the aforesaid case C.M.C. Malook Singh Uppal is confined in jail at Karnal and rest of the accused persons are still at large. Sir, amount worth crores of us/applicants is involved, the details of which is as under:-

Name	Amount (Rs.)
1. Raj Kumar	3890524/- rupees
2. Shankar	638418/- rupees
3. Neeraj	1533116/-rupees
4. Veena	1316715/-rupees
5. Seema Devi	1219840/- rupees
6. Sunita	251246/-rupees
7. Promila Devi	297560/- rupees
8. Charan Singh	4260780/- rupees
9. Dharambir	1155524/- rupees
10. Sultan	1322704/- rupees
11. Ram Singh	580262/-
12. Leelu Ram	193700/- rupees

That the details of the land purchased by the aforesaid accused persons with the money usurped from the applicants is as under:-

1. Land measuring 27 acres situated in Jawalapur, Tibri road, Gurdaspur, Punjab.
2. Land measuring 06 acres, village Meer Pur, Tehsil Batala, District Gurdaspur, Punjab.
3. Land measuring 17 acres village Samar, Tehsil Bag Bahara, District Maha Samand, Chhatisgarh
4. Kothi 250 sq. yards, 95, N.R.I. colony, Laharka Road, Amritsar, Punjab.
5. Land/one acre kothi Narjat Jaimal Singh, Deena Nagar, Gurdaspur.
6. Land 300 sq. yards Redical camp, Saint Saransis School, Rani Ka Bagh, Amritsar, Punjab
7. Land 11 Bighas, Sikandrabad, Uttar Pradesh.

Thus, it is requested to your goodself that keeping in view the aforesaid facts, stern legal action against the accused persons for making fraud may be got conducted.”

3. Contentions

On behalf of the petitioner

Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. He further contends that the

petitioner is at parity with co-accused Bikram Singh, who has already been granted the concession of regular bail by this Court vide order dated 12.07.2024 passed in CRM-M-32179-2024. He further contends that there is no direct evidence found during investigation which directly connects the petitioner with the alleged commissioning of the offence. It has been further contended that except the present FIR, the petitioner is involved in 12 other FIRs with similar allegations, wherein petitioner is on bail in 10 FIRs, which are reproduced hereinbelow:-

Sr. No.	FIR	Dated	Under Section	Police Station	Bail or not
1.	8	03.01.2022	Sections 406, 420, 120-B IPC and Section 3 of Haryana Protection of Interest of Depositors	City, District Karnal	Bail
2.	188	01.03.2022	Sections 406, 420, 506 and 120-B IPC and Section 3 of Haryana Protection of Interest of Depositors (in Financial Establishment Act, 2013)	City, Karnal	Bail
3.	331	10.05.2022	Sections 420, 406 IPC and Section 3 of Haryana Protection of Interest of Depositors (in Financial Establishment Act, 2013)	Krishna Gate, Thanesar	Bail
4.	367	24.05.2022	Sections 420, 406 IPC and Section 3 of Haryana Protection of Interest of Depositors (in Financial Establishment Act, 2013)	Krishna Gate, Thanesar	Bail
5.	373	25.05.2022	Sections 420, 406 IPC	Krishna Gate, Thanesar	Bail
6.	212	30.07.2023	Sections 406, 420, 120-B IPC	City, Pehowa, Kurukshetra	Bail
7.	430	20.08.2022	Sections 406, 420, 120-B IPC	Pundri, Katihal	Bail
8.	41	16.04.2022	Sections 406, 420, 120-B IPC	Kotwali, Nabha, Patiala	Bail
9.	94	29.06.2022	Sections 406, 420, 120-B IPC	Anaj Mandi, Patiala	Bail
10.	211	18.05.2024	Sections 406, 420, 120-B IPC	Civil Line, Kaithal,	Bail

Copies of bail orders in the above-said FIR have been produced today in Court by learned counsel for the petitioner, which are taken on record as Document A (collectively).

On behalf of the State

On the other hand, learned State counsel has produced the custody certificate of the petitioner today in Court, which is taken on record. He seeks dismissal of the instant petition on the ground that the petitioner is a habitual offender as he is involved in 33 other FIRs. He further submits that the petitioner is the real culprit as the alleged firms are owned and operated by him.

4. **Analysis**

Be that as it may, considering the custody period undergone by the petitioner i.e. 02 years, 05 months and 01 day added with the facts that the petitioner is at parity with co-accused Bikram Singh, who has already been granted the concession of regular bail by this Court vide order dated 12.07.2024 passed in CRM-M-32179-2024; investigation is complete, wherein after framing of charges on 19.07.2023 out of total 30 prosecution witnesses, 03 witnesses have been examined, which is suffice for this Court to infer that the conclusion of trial shall take considerable time, this Court is of the considering view that detaining the petitioner behind the bars for an indefinite period would serve no purpose.

Reliance can be placed upon the judgment of the Apex Court rendered in “***Dataram versus State of Uttar Pradesh and another***”, 2018(2) ***R.C.R. (Criminal) 131***, wherein it has been held that the grant of bail is a general rule and putting persons in jail or in prison or in correction home is an exception. Relevant paras of the said judgment is reproduced as under:-

“2. A fundamental postulate of criminal jurisprudence is the presumption of innocence, meaning thereby that a person is believed to be innocent until found guilty. However, there are instances in our criminal law where a reverse onus has been placed on an accused with regard to some specific offences but that is another matter and does not detract from the fundamental postulate in respect of other offences. Yet another important facet of our criminal jurisprudence is that the grant of bail is the general rule and putting a person in jail or in a prison or in a correction home (whichever expression one may wish to use) is an exception. Unfortunately, some of these basic principles appear to have been lost sight of with the result that more and more persons are being incarcerated and for longer periods. This does not do any good to our criminal jurisprudence or to our society.

3. There is no doubt that the grant or denial of bail is entirely the discretion of the judge considering a case but even so, the exercise of judicial discretion has been circumscribed by a large number of decisions rendered by this Court and by every High Court in the country. Yet, occasionally there is a necessity to introspect whether denying bail to an accused person is the right thing to do on the facts and in the circumstances of a case.

4. While so introspecting, among the factors that need to be considered is whether the accused was arrested during investigations when that person perhaps has the best opportunity to tamper with the evidence or influence witnesses. If the investigating officer does not find it necessary to arrest an accused person during investigations, a strong case should be made out for placing that person in judicial custody after a charge sheet is filed. Similarly, it is important to ascertain whether the accused was participating in the investigations to the satisfaction of the investigating officer and was not absconding or not appearing when required by the investigating officer. Surely, if an accused is not hiding from the investigating officer or is hiding due to some genuine and expressed fear of being victimised, it would

be a factor that a judge would need to consider in an appropriate case. It is also necessary for the judge to consider whether the accused is a first-time offender or has been accused of other offences and if so, the nature of such offences and his or her general conduct. The poverty or the deemed indigent status of an accused is also an extremely important factor and even Parliament has taken notice of it by incorporating an Explanation to section 436 of the Code of Criminal Procedure, 1973. An equally soft approach to incarceration has been taken by Parliament by inserting section 436A in the Code of Criminal Procedure, 1973.

*5. To put it shortly, a humane attitude is required to be adopted by a judge, while dealing with an application for remanding a suspect or an accused person to police custody or judicial custody. There are several reasons for this including maintaining the dignity of an accused person, howsoever poor that person might be, the requirements of Article 21 of the Constitution and the fact that there is enormous overcrowding in prisons, leading to social and other problems as noticed by this Court in *In Re-Inhuman Conditions in 1382 Prisons*, 2017(4) RCR (Criminal) 416: 2017(5) Recent Apex Judgments (R.A.J.) 408 : (2017) 10 SCC 658*

*6. The historical background of the provision for bail has been elaborately and lucidly explained in a recent decision delivered in *Nikesh Tara chand Shah v. Union of India*, 2017 (13) SCALE 609 going back to the days of the Magna Carta. In that decision, reference was made to *Gurbaksh Singh Sibbia v. State of Punjab*, (1980) 2 SCC 565 in which it is observed that it was held way back in *Nagendra v. King-Emperor*, AIR 1924 Calcutta 476 that bail is not to be withheld as a punishment. Reference was also made to *Emperor v. Hutchinson*, AIR 1931 Allahabad 356 wherein it was observed that grant of bail is the rule and refusal is the exception. The provision for bail is therefore age-old and the liberal interpretation to the provision for bail is almost a century old, going back to colonial days.*

7. However, we should not be understood to mean that bail should be granted in every case. The grant or refusal of bail is entirely within the discretion of the judge hearing the matter and though that discretion is unfettered, it must be exercised judiciously and in a humane manner and compassionately. Also, conditions for the grant of bail ought not to be so strict as to be incapable of compliance, thereby making the grant of bail illusory.”

Therefore, to elucidate further, this Court is conscious of the basic and fundamental principle of law that right to speedy trial is a part of reasonable, fair and just procedure enshrined under Article 21 of the Constitution of India. This constitutional right cannot be denied to the accused as is the mandate of the Apex court in “**Balwinder Singh versus State of Punjab and Another**”, **SLP (Crl.) No.8523/2024**. Relevant paras of the said judgment reads as under:-

“7. An accused has a right to a fair trial and while a hurried trial is frowned upon as it may not give sufficient time to prepare for the defence, an inordinate delay in conclusion of the trial would infringe the right of an accused guaranteed under Article 21 of the Constitution.

8. It is not for nothing the Author Oscar Wilde in “The Ballad of Reading Gaol”, wrote the following poignant lines while being incarcerated:

*“I know not whether Laws be right,
Or whether Laws be wrong;
All that we know who be in jail
Is that the wall is strong;
And that each day is like a year,
A year whose days are long.”*

As far as the pendency of other cases and involvement of the petitioner in other cases is concerned, reliance can be placed upon the order

of this Court rendered in CRM-M-25914-2022 titled as “*Baljinder Singh alias Rock vs. State of Punjab*” decided on 02.03.2023, wherein, while referring Article 21 of the Constitution of India, this Court has held that no doubt, at the time of granting bail, the criminal antecedents of the petitioner are to be looked into but at the same time it is equally true that the appreciation of evidence during the course of trial has to be looked into with reference to the evidence in that case alone and not with respect to the evidence in the other pending cases. In such eventuality, strict adherence to the rule of denial of bail on account of pendency of other cases/convictions in all probability would land the petitioner in a situation of denial of concession of bail.

5. **RELIEF:**

In view of the discussions made hereinabove, the petitioner is hereby directed to be released on regular bail on him furnishing bail and surety bonds to the satisfaction of the trial Court/Duty Magistrate, concerned.

In the afore-said terms, the present petition is hereby allowed.

However, it is made clear that anything stated hereinabove shall not be construed as an expression of opinion on the merits of the case.

(SANDEEP MOUDGIL)
JUDGE

21.05.2025

Poonam Negi

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No