

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-33289-2024
Reserved on: 18.02.2025
Pronounced on: 28.02.2025

Jaspal Singh ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Ms. Pooja Dhingra, Advocate
for the petitioner.

Mr. Sukhdev Singh, AAG, Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
0005	06.03.2024	NRI, District Amritsar	406, 420, 120-B IPC

1. The petitioner incarcerated in the FIR captioned above had come up before this Court under Section 439 of the Code of Criminal Procedure, 1973, seeking regular bail.
2. Per paragraph 21 of the bail application and the status report filed by the State, the accused has the following criminal antecedents:

Sr. No.	FIR No.	Dated	Offenses	Police Station
1	122/2021	-	420 IPC	Mohkampura, Amritsar
2	233/2023	-	420/120-B IPC	Civil Lines, Bathinda

3. The facts and allegations are being taken from the status report filed by the State, which reads as follows:

“4. That it is submitted that as per the report furnished by SHO P.S. NRI, Amritsar, registration of the present case having FIR No. 09 dated 28.03.2024 (supra) is a consequence of the thorough enquiry conducted by ASI Prabhjit Singh under supervision of the deponent qua the application UID No. 1908182 dated 27.10.2020 given in the office of the Additional Director General of Police, NRI Wing, Punjab, SAS Nagar by the Complainant Sukhdev Singh and as per the legal opinion obtained thereon from the District Attorney (Legal) NRI Wing, SAS Nagar. Based upon the enquiry conducted, the following facts were revealed:

A. The Complainant Doctor Sukhdev Singh has retired as Professor of Molecular Biology and Biochemistry Department, Guru Nanak Dev University, Amritsar in 2016 and his wife Kulbir Kaur has also retired as professor from Khalsa College, Amritsar. They both along with their son Gauravdeep Singh are living in Canada.

B. During last phase of the service of the Complainant Sukhdev Singh, the co-accused Hardesh Kumar was serving as curator in Museum and they both had acquaintance during their service. The co-accused Hardesh Kumar had told the complainant Sukhdev Singh that the co-accused Hardesh Kumar and his family members have invested about Rs. 70 to 80 lacs in the company of the present petitioner Jaspal Singh Gill and his nephew Ravinder Singh Sidhu and they are getting profit more than the bank. The co-accused Hardesh Kumar told the Complainant Sukhdev Singh that he get the Complainant profit by getting his money invested.

C. The Complainant Sukhdev Singh and his family members invested their money in Nector Commercial Estates Limited Corporation, office 410, Jaina Tower-II, District Centre, Janak Puri, New Delhi and Help Finance Limited. The director of this company is Ravinder Singh Sidhu S/o Avtar Singh and assistant/officer/official Kanwaljit Singh Bal and present petitioner Jaspal Singh Gill is real maternal uncle of Ravinder Singh Sidhu. The office of this company was at New Amritsar market, which has been closed. This company used to allure people for doubling their money upon investment and to give plot in case of not giving money.

D. As per claim of the co-accused Hardesh Kumar, the office bearers of Kim Future Vision Services Ltd. namely present petitioner Jaspal Singh, Ravinder Singh Sidhu, Gurpreet Singh and Kanwaljit Singh Bal had come to him and had made him understand the scheme. As per version of the present petitioner Jaspal Singh Gill made vide his statement recorded before the Enquiry Officer by the present petitioner Jaspal Singh, the co-accused Hardesh Kumar was an agent of the company and the co-accused Hardesh Kumar used to receive commission for getting money invested in the company.

E. The Complainant Sukhdev Singh was also allured by the owners of the company, officer bearers i.e. present petitioner Jaspal Singh Gill, Ravinder Singh, Kanwaljit Singh Bal and co-accused Hardesh Kumar. Thereupon, the Complainant Sukhdev Singh having trust in the co-accused Hardesh Kumar, the Complainant Sukhdev Singh had invested total Rs. 1 Crore 21 lacs through the co-accused Hardesh Kumar in Nector Commercial Estates Limited and Help Finance Limited. This amount was deposited through cheques by the Complainant.

F. During enquiry it was revealed that the co-accused Hardesh Kumar while taking benefit of the Complainant Sukhdev Singh living abroad had himself filled blank cheques of the Complainant Sukhdev Singh in his own handwriting and were deposited in Nector Commercial Estates Limited and Help Finance Limited. During enquiry, the co-accused Hardesh Kumar had admitted that he used to fill the cheques in his own handwriting in English and used to give the same to present petitioner Jaspal Singh.

G. During enquiry it was also revealed that the present petitioner Jaspal Singh is real maternal uncle of the main accused Ravinder Singh Sidhu, who is involved in a large number of FIRs. The present petitioner Jaspal Singh was the main handler of the companies Nector Commercial Estates Limited and Help Finance United and he was running the companies and the present petitioner used to receive cheques of the complainant Sukhdev Singh from co-accused Hardesh Kumar.

H. The Nector Commercial Estates Limited and Help Finance Limited had executed agreements with the Complainant Sukhdev Singh in lieu of the amount received from him and had issued him stamped receipts. These agreements were executed qua plots and investment of money. The Complainant Sukhdev Singh had produced copies of the agreement to the enquiry officer.

I. The Complainant Sukhdev Singh had demanded his money from the co-accused Hardesh Kumar then co-accused Hardesh Kumar started putting him off, then the Complainant Sukhdev Singh had doubt upon the co-accused Hardesh Kumar. Thereupon, the co-accused Hardesh Kumar arranged meeting of the Complainant Sukhdev Singh with the present petitioner Jaspal Singh Gill, Ravinder Singh Sidhu and Kanwaljit Singh Bal and they all assured the Complainant for returning the money back and Ravinder Singh Sidhu had given a written document under his signature in Punjabi language to the Complainant Sukhdev Singh mentioning therein that the amount of Rs. 1,98,00,000/-invested in their companies in plot scheme shall be cleared from 27.11.2017 to 12.12.2017.

J. During enquiry it was also revealed that the above said companies had got executed sale deeds of 1100 square yards land from different persons in favour of the Complainant Sukhdev Singh and his family members in lieu of the money invested in these companies by the Complainant Sukhdev Singh. The Complainant Sukhdev Singh claimed that the collector rate of the land is only about Rs 38 lacs and this land was sold to him having value of Rs. 65 lacs and in lieu thereof he had returned agreements qua money to the company.

K. The Complainant Sukhdev Singh alleged that his amount Rs. 1,33,00,000/- is still due against the company, which has not been returned to him which has been misappropriated by owners and office bearers of the company. The accused persons have shut down the company and have fled away.

L. It was also revealed that more than 40 FIRs stand already registered against owners and office bearers of the above mentioned companies with regard to committing cheating and misappropriating money of a large number of persons on the allurement of getting them more benefit.

M. During enquiry the co-accused HardeshKumar had claimed that he and his relatives have also invested money in the above said companies, which was not returned to them but during enquiry the co-accused Hardesh Kumar could not produce any such record. The co-accused HardeshKumar was used to be paid commission in lieu of the money being got invested in the companies by him.

N. On the whole, based upon the enquiry conducted, it was

revealed that the co-accused Hardesh Kumar, Ravinder Singh Sidhu, Kanwaljit Singh Bal and present petitioner Jaspal Singh in connivance with each other had got invested about Rs. 1,21,00,000/- from the Complainant Sukhdev Singh in Nector Commercial Estate Limited and Help Finance Limited. This amount including interest came to be Rs. 1,98,00,000/- Upon making demand of his money by the Complainant Sukhdev Singh, the company had executed sale deed of 1100 Square yard land to the Complainant Sukhdev Singh, which was having value of Rs. 64,56,000/- but the company did not return remaining amount Rs. 1,33,00,000/- of the Complainant Sukhdev Singh and the company down shut was thereby committed misappropriation and cheating with the Complainant Sukhdev Singh. Therefore, recommendation was made for registration of an FIR under Sections 406, 420, 120B IPC against present petitioner Jaspal Singh and co-accused Ravinder Singh Sidhu, Kanwaljit Singh Bal, Jaspal Singh and Hardesh Kumar.”

4. The petitioner's counsel prays for bail by imposing any stringent conditions and contends that further pre-trial incarceration would cause an irreversible injustice to the petitioner and their family.

5. The State's counsel opposes bail and refers to the status report.

6. It would be appropriate to refer to the following portions of the status report, which read as follows:

“16. That it is respectfully submitted that keeping in view the totality of the facts and submissions made hereinabove, it is evident that the allegations levelled against the present petitioner Jaspal Singh Gill in the present case FIR No. 05 dated 06.03.2024 (supra) are serious in nature and the present petitioner Jaspal Singh Gill is already involved in two other FIRs of the same offence. The present petitioner Jaspal Singh Gill has played a pivotal role in commission of crime. The complainant Sukhdev Singh has been duped of a huge amount of his hard earned money which was got invested in the aforesaid companies Nector Commercial Estates Limited and Help Finance Limited by the co-accused Hardesh Kumar, who was working as an agent for these companies and the co-accused Hardesh Kumar used to hand over cheques of the amounts being invested by the complainant Sukhdev Singh to the present petitioner Jaspal Singh Gill. The present petitioner Jaspal Singh was working as agent in the abovesaid companies and being maternal uncle of the main accused Ravinder Singh Sidhu, the present petitioner Jaspal Singh Gill was handling the entire business of these companies. The owner and office bearers of the above said companies have cheated a large number of people on the same allurements and a large number of FIRs stand registered against them in different police stations in Punjab and the present petitioner Jaspal Singh Gill and co-accused persons namely Ravinder Singh Sidhu and Kanwaljit Singh are already in judicial custody in those case. The present case FIR No. 05 dated 06.03.2024 (supra)

is now pending for trial before the Court of learned Judicial Magistrate 1st Class, Amritsar and charge is yet to be framed. There is genuine apprehension that the present petitioner Jaspal Singh Gill can abscond and can tamper with evidence while intimidating or influencing prosecution witnesses, if he is released on bail, which would prejudice the trial of the case. As, such the present petitioner Jaspal Singh Gill is not entitled to the relief of regular bail.

REASONING:

7. There is sufficient prima facie evidence connecting the petitioner with the alleged crime. However, pre-trial incarceration should not be a replica of post-conviction sentencing. Per paragraph 17 of the bail petition, the petitioner has been in custody since 06.04.2024. The petitioner’s total custody in this FIR is more than 10 months. Given the penal provisions invoked viz-a-viz pre-trial custody, coupled with the prima facie analysis of the nature of allegations, and the other factors peculiar to this case, there would be no justifiability for further pre-trial incarceration at this stage.
8. Without commenting on the case's merits, in the facts and circumstances peculiar to this case, and for the reasons mentioned above, the petitioner makes a case for bail. This order shall come into force from the time it is uploaded on this Court's official webpage.
9. Given above, provided the petitioner is not required in any other case, the petitioner shall be released on bail in the FIR captioned above subject to furnishing bonds to the satisfaction of the concerned Court and due to unavailability before any nearest Ilaqa Magistrate/duty Magistrate. Before accepting the surety, the concerned Court must be satisfied that if the accused fails to appear, such surety can produce the accused.
10. While furnishing a personal bond, the petitioner shall mention the following personal identification details:
- | | | |
|----|--|--|
| 1. | AADHAR number | |
| 2. | Passport number (If available) and when the attesting officer/court considers it appropriate or considers the accused a flight risk. | |
| 3. | Mobile number (If available) | |
| 4. | E-Mail id (If available) | |
11. This order is subject to the petitioner’s complying with the following terms.
12. The petitioner shall abide by all statutory bond conditions and appear before the concerned Court(s) on all dates. The petitioner shall not tamper with the evidence, influence, browbeat, pressurize, induce, threaten, or promise, directly or indirectly, any witnesses, Police officials, or any other person acquainted with the facts and circumstances of the case or dissuade them from disclosing such facts to the Police or the Court.

13. This bail is conditional, and the foundational condition is that if the petitioner indulges in any non-bailable offense, the State shall file an application for cancellation of this bail before the Sessions Court, which shall be at liberty to cancel this bail.

14. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.

15. A certified copy of this order would not be needed for furnishing bonds, and any Advocate for the Petitioner can download this order along with case status from the official web page of this Court and attest it to be a true copy. If the attesting officer wants to verify its authenticity, such an officer can also verify its authenticity and may download and use the downloaded copy for attesting bonds.

16. **Petition allowed** in terms mentioned above. All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

28.02.2025
Jyoti Sharma

Whether speaking/reasoned: Yes
Whether reportable: No.