

CRM-M-33570-2024
CRM-M-43960-2024

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-33570-2024
Date of Decision: 07.04.2025

Vipan Kumar ...Petitioner

Versus

State of Punjab ...Respondent

CRM-M-43960-2024

Gurpreet Singh @ Kala ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Neeraj Jain, Advocate
for the petitioner (in CRM-M-33570-2024).

Mr. P.K.S. Phoolka, Advocate
for the petitioner (in CRM-M-43960-2024).

Mr. Adesh Pal Singh, A.A.G., Punjab.

Mr. Rajesh Tushar, Advocate and
Mr. Gaurav Rathore, Advocate
for the complainant.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
4	06.01.2023	City-2 Mansa	420, 465, 467, 468, 471, 472, 120-B IPC

- Both the petitions are being taken together as both arise out of the same FIR. For brevity, the facts are being taken from CRM-M No.33570 of 2024.
- The petitioners incarcerated in the FIR captioned above have come up before this Court under Section 439 CrPC, seeking regular bail.
- Per paragraph 15 of the bail application (CRM-M-33570-2024) and paragraph 10 of the status report, the accused has the following criminal antecedents:

Sr. No.	FIR No.	Date	Offenses	Police Station
1.	54	01.04.2021	420, 465, 467, 468, 471, 120-B	City-2 Mansa

CRM-M-33570-2024
CRM-M-43960-2024

			IPC	
2.	230	29.12.2021	420, 465, 467, 468, 471, 120-B IPC	Civil Lines
3.	10	12.01.2022	174-A IPC	City 2 Mansa
4.	02	06.01.2023	420, 465, 467, 468, 471, 120-B IPC	Joga
5.	62	25.04.2023	420, 406, 120-B IPC	Bhikhi

4. Per paragraph 7 of the bail application (CRM-M-43960-2024) and paragraph 10 of the status report, the accused has the following criminal antecedents:

Sr. No.	FIR No.	Date	Offenses	Police Station
1.	54	01.04.2021	420, 467, 468, 471, 120-B IPC	City-2 Mansa
2.	02	12.01.2023	420, 465, 467, 468, 471, 120-B IPC	Joga
3.	10	12.01.2022	174-A IPC	City-2 Mansa
4.	230	29.12.2021	420, 465, 467, 468, 471, 120-B IPC	Civil Line Bathinda

5. The facts and allegations are being taken from translated version of FIR, which reads as follows:

“To, Senior Superintendent of Police, District Mansa. Subject: Application for taking action against Vipan Kumar son of Mohan Lal, resident of Model Town, Riot Victim Colony, Bathinda, Mobile: 7696049701, Jaswinder Singh @ Buntty Singh son of Mewa Singh, resident of Kot Dhuna, District Sangrur, Mobile: 98037-44046, Gurpeet Singh resident of Sangrur, Angrej Singh Daftar, Pipli Road, Near Old Petrol Pump, Kurukshetra and Rajrohti, Delhi, mobile: 96058-31778 and Rohit, Khan residents of Bodhgaya, District Chatra, State Jharkhand for committing cheating of Rs.77 lacs on the basis of forged documents, joining order of General Manager, Food Corporation of Delhi by way of cheating in the name of false promise of job, for registration of case under section 420, 467, 468, 471, 120-B of IPC. This is interstate gang of fraudulent persons. Sir, We undersigned persons are requested that Vipan Kumar son of Mohan Lal resident of Bathinda is running Sai Nath Trade Company at Chand Chahal Street, Mansa. He was known to our relative Gurcharan Singh son of Gurdayal Singh resident of Deep Chand Street, Mansa, Vipan Kumar usually visits at his house where we introduced each other and Vipan Kumar fold us that you are educated young boys and are jobless, if you want then I can provide job in FCI Department of India to you, because he has connections with higher ranking officers in the above said department. On which he with intention to take us in faith has shown appointment letter of some person in FCI and by taking us in their talks he promised us that he will provide us job in Food Corporation of India at places Mansa, Barnala, Bhikhi etc. he has demanded Rs.7-7 lacs per person from us which whole of the money was to be given in advance. We deposed faith in him and handed over our education certificates. He took us to a photo state shop near Dashmesh School, Court road and prepared our RESUME for job and received copies of certificates, Aadhar card, copies of Bank accounts and other documents and then Vipan Kumar and Jaswinder Singh @ Buntty son of Mewa Singh resident of Kot Dhuna, District Barnala who came with Vipan Kumar, they have received Rs.7-7 lacs from us in the presence of Gurcharan Singh son

CRM-M-33570-2024

CRM-M-43960-2024

of Gurdayal Singh at his home and in the presence of our parents. Lakhwinder Singh son of Balbir Singh resident of Fatta Maloka arranged this amount by selling his land, received from Harman Singh son of Manjit Singh resident of Mansa Khurd at the house of Harman Singh and Arshdeep Singh son of Sukhsant Singh resident of Kot Dharmu has given Rupees by taking gold loan and withdrawing a limit from bank, Jagsir Singh son of Binder Singh resident of Matti gave Rs.7 lacs by mortgaging his land. In December 2020 Vipin Kumar took all of us in his car to Kurukshetra to Angrej Singh Daftar, Pipli Road, Near Old Petrol Pump, Kurukshetra where Vipin Kumar got introduced us with Gurpreet Singh resident of Sangrur and Raj Rohit who disclosed himself from Delhi and told that they are higher ranking officers at AFC, Delhi they will provide you job in FCI and got sit here for 2 hours and gave tea and water and gave appointment letters of FCI of 15.11.2010 to us, the copies and documents of which will be produced at the time of inquiry of application and a copy of order is being attached for perusal which was issued under the signature of General Manager of Food Corporation and then Vipin Kumar got conduct our medical from Chahal Hospital Mansa prior to go. Then on 09.12.2019 Vipin Kumar and Jaswinder Singh @ Bunty took all of us to City Bodhgia, Police Station Chatra, State Jharkhand through train which is going from Railway Station, Mansa in the morning and stayed us there in a hotel and then got started our training of FCI at nearby village Partap where two persons namely Rohit and Khan were giving training to us. They got us stayed there for 3 months where they took our signatures on blank paper sheets for our examination, the videography of which will be produced at the time of inquiry of application. Here they took bribe of Rs.30-30 thousand in the name of these two persons for training who disclosed himself as training officers of Food Corporation of India. After training in the month of March Vipin Kumar and Jaswinder Singh got us returned and promised that we will be appointed after the result. The amount of Rs.7-7 lacs which we have given to Vipin Kumar etc., he has given by way of arrangements regarding which we have whole record, we will produced at the time of inquiry of application and during the training they got our verification of our documents from the office of Tehsildar, Mansa by preparing fake documents. Thereafter, Vipin Kumar in-connivance with his companions kept sending fake emails of Food Corporation of India, Zonal Office (n), District Dandwal, Jharkhand regarding joining of duty by preparing documents on our mobile phones and got conducted verification of these forms from the Panchayat of village, so that we should kept faith on them and they took us to Noida, Delhi and Jaipur, Rajasthan for joining duty and kept us there month/ month in the name of training by preparing forged documents and got us stayed in P.G. Thereafter, they have prepared I.D. proof of department of us and made false promises to join station of duty. On 18.08.2019 Vipin Kumar and Jaswinder Singh @ Bunty took us to Delhi for allotment of station and documentary verification (d), where stayed us in Krishna Dharamshala near Delhi till 02.09.2020, Vipin Kumar and Bunty stayed with us where they got introduced a person namely Vikas mobile no.94177-94907, who claimed himself as higher officer of Food Corporation of India at Delhi and our documents got verified and one person of Narela Delhi get us in his connection buy calling from mobile no.9901530393 and used to say that he is working as General Manager in Food Corporation at Delhi and he has to allot stations to us. On the persons whose name mentioned in the application they got conducted all the proceedings made for getting job with intention to took us in faith with intention to cheat us so that

CRM-M-33570-2024

CRM-M-43960-2024

conspiracy of their cheating may not be disclosed. They kept us involved in fake documentation. That thereafter, on seeing their appointment letter, we Kanchan son of Hem Raj and Deepak son of Satpal and Kamaldeep Singh son of Leela Singh resident of Kot Dharmu and Gurpyar Singh son of Bikar Singh resident of Kulrian and Jagsir Singh son of Bikar Singh resident of Moosa and Gulshan Kumar son of Krishan Lal, resident of Veer Nagar, House no.19, Mansa have also contacted Vipran Kumar and Jaswinder Kumar @ Bunty. And obtained Rs.7-7 lacs from Hem Raj son of Inderjit Singh for providing job in FCI in the presence of Satpal son of Inderjit resident of Kot Dharmu by calling in Sai Nath Finance Company, at that time Gurcharan Singh son of Gurdayal Singh resident of Deep Chand Wali Gali, Mansa was also available. Kanchan has arranged money by selling her plot, the evidence regarding which will be produced and father of Deepak arranged by taking loan from the bank the evidence of which will be produced and father of Jagsir Singh arranged money by mortgaging the land the sale deed of which will be produced and Gurpyar son of Bikar Singh resident of Kulrian by taking from his Commission agent and Gulshan Kumar has also arranged from his sources, we will produce all the proofs at the time of inquiry of application. Then Vipran Kumar and Jaswinder @ Bunty took all of us in his car to Angrej at Kurukshetra at his office where Gurpreet Singh resident of Sangrur was also present and after some time of our sitting there letters regarding appointment in FCI were given which were given by General Manager of Food Corporation and the stamp of Food Corporation of Indian was affixed. On 21.01.2020 Vipran Kumar took all of us to Barwala District Hisar for training and before that got our medical conducted from Chahal Hospital, Mansa where they got us stayed for one month in Godown on the basis of our appointment documents and medical examination which was conducted by Vipran Kumar from Chahal Hospital, Mansa and thereafter, called us back due to Corona disease and promised us to provide job to us and kept messaging us though email for passing in training, the record of which will be produced by us. Then prepared our identity cards and sent us on our mobile phones which we will produced at the time inquiry of application. Till today they kept making us false promises to join in the offices of FCI. Thereafter, we all went to General Manager, Food Corporation of India at Delhi for inquiring regarding our orders where we have shown appointment letter and other documents, identity card and emails sent to us and other documents of training centres at Chatra, Barwala to the concerned officials and higher officials where told us that their office has no concern with these documents and neither issued from their office, the stamps and numbers affixed on these documents are all false and fraud has been committed with you. Then we kept contacting Vipran Kumar etc. for returning back our money and they used to say that they had to commit fraud which they had committed. Regarding the giving of joining orders and training centre Chatra and Kurukshetra and Barwala and other documents, photographs we have prepared a CD which we will produce at the time inquiry of application. They have committed fraud of Rs.77 lacs with us by preparing false documents in the name of providing job and harassed us by giving training by creating fake training centres and on the basis of stamps and signatures and numbers of General Manager, Food Corporation, Delhi on the documents, fake emails and fake ID cards and conducting fake verifications. Many persons belongs to other States also doing training with us who have also got deceived by coming in the fraud of this interstate gang. The copy of press note of earlier registered cases against this interstate gang is attached. Legal

CRM-M-33570-2024
CRM-M-43960-2024

action be taken against these persons by registration of case under section 420, 467, 468, 471, 120-B of IPC. With Thanks, Your sincerely and waiting for justice, Sd/- Arshdeep Singh, Sd/- Kamaldeep Singh, Sd/- Jagseer Singh, Sd/- Lakhwinder Singh, Harman Singh, Sd/- Kanchan Sharma, Sd/- Gulshan Kumar, Sd/-Kanwaljit Singh,. Sd/- Deepak Sharma, Sd/- Jagsir Singh Moosa, Sd/-Gurpyar Singh.”

6. 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.

7. The State's as well as counsel for the complainant oppose bail and refers to the status report.

8. It would be appropriate to refer to the following portion of status report filed in CRM-M-33570-2024 which reads as follows:

“It would be pertinent to mention here that at the time of enquiry proceedings, it was recorded by the above mentioned persons upon whom cheating was committed by the accused persons including the petitioner Vipan Kumar, that accused Gurcharan Singh in order to save his skin has got moved an application against Petitioner Vipan Kumar etc. but in actual accused Gurcharan Singh in-conivance with other accused persons i.e. Petitioner Vipan Kumar etc had committed cheating with them worth Rs.7,00,000/- per person (i.e. Rs.77,00,000/-) on the pretext of providing job in FCI, Delhi. As such, persons upon whom cheating was committed upon by the accused persons including the accused Gurcharan Singh, wants to get the action initiated against the accused persons including accused Gurcharan Singh.”

9. It would be appropriate to refer to the following portion of status report filed in CRM-M-43960-2024 which reads as follows:

“It would be pertinent to mention here that at the time of enquiry proceedings, it was recorded by the above mentioned persons upon whom cheating was committed by the accused persons including the Petitioner Gurpreet Singh @ Kala, that accused Gurcharan Singh in order to save his skin has got moved an application against Petitioner Gurpreet Singh @ Kala etc. but in actual accused Gurcharan Singh in-conivance with other accused persons i.e. Petitioner Gurpreet Singh @ Kala etc had committed cheating with them worth Rs.7,00,000/- per person (i.e. Rs.77,00,000/-) on the pretext of providing job in FCI, Delhi. As such, persons upon whom cheating was committed upon by the accused persons including the accused Gurcharan Singh, wants to get the action initiated against the accused persons including accused Gurcharan Singh.”

10. Counsel for the petitioner has referred to impugned order dated 01.07.2024, the relevant portion of which reads as follows:

CRM-M-33570-2024
CRM-M-43960-2024

“During the investigation of the application, all the complainants stated in their statements dated 27/03/2021 that they never filed any application against the applicant Vipin Kumar and further stated that they submitted their statement before the concerned authority under the pressure of Gurcharan Singh who is retired Inspector from Police Department.”

11. 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 the custody certificate dated 31.03.2025, the petitioner’s total custody in this FIR is 01 year, 02 months and 11 days and 09 months and 12 days respectively. 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.

12. 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.

13. 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.

14. 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)	

15. This order is subject to the petitioner’s complying with the following terms.

16. 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.

CRM-M-33570-2024
CRM-M-43960-2024

17. 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.

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

19. 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.

20. **Petition(s) allowed** in terms mentioned above. All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

07.04.2025
Jyoti Sharma

Whether speaking/reasoned: Yes
Whether reportable: No.