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

CRM-M-48230-2025

Date of decision : 04.09.2025

Gagandeep Singh

....Petitioner

versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Rakesh Dhiman, Advocate
for the petitioner.

Mr. Raj Karan Singh, A.A.G., Punjab.

RAJESH BHARDWAJ, J. (Oral)

1. Present petition has been filed by the petitioner praying for grant of regular bail in case FIR No.169 dated 28.12.2021, under Sections 406, 420 of IPC (Subsequently added Sections 21, 23, 24 of the Banning of Unregulated Deposit Schemes Act, 2019 and Section 26(1) of the Payment and Settlement Systems Act, 2007) registered at Police Station Bhogpur, Jalandhar, District Jalandhar.

2. Succinctly the facts of the case are that the present case was registered on the statement of complainant, namely, Surjit Singh. It was alleged that the petitioner along with co-accused had allured the complainant in investing in their Company namely, MLM Company named M/s OLS Whizz Pvt. Ltd. It was alleged that the complainant started depositing his installments to the tune of Rs.2000 to Rs.3000 every month and the company initially used to sell the LED TVs, home theaters,



RO, CCTV etc. However, after the month of February, 2020, they stopped even picking up the phone of the complainant. It was alleged that as per the policy of the Company, they promised to give the gold as well but neither the gold was given nor his money was returned in lieu of his due amount, rather they started showing the digital currency on their portal which could never be used for any purpose by the complainant. It was realized by the complainant that he has been cheated by the petitioner and the co-accused for a tune of Rs.4,81,000/- and thus, the request was made to take the legal action against the accused. On registration of FIR, investigation commenced. The petitioner was arrested on 09.04.2022. On completion of investigation, challan was presented and on framing of charges, the trial commenced. He approached the Learned Additional Sessions Judge, Jalandhar, praying for grant of bail, however, finding no merit, the same was declined after hearing both the sides by Learned trial Court vide order dated 26.05.2025. Aggrieved by the same, the petitioner is before this Court praying for grant of bail by way of filing of present petition.

3. Learned counsel for the petitioner has vehemently contended that from the allegations made in the FIR, it is apparent that the company of the petitioner used to give the returns as per its policies, which has been admitted by the complainant also. However, in 2020 the COVID started and it is because of the unavoidable circumstances, the company could not given returns as per its policies. He submits that the FIR was registered and the petitioner is behind bars from last more than 03 years. He submits that though the petitioner is involved in multiple other FIRs, however, in some of them he is acquitted and in rest he is on bail. He submits that even otherwise, it is apparent that the case is purely of civil nature and



despite his incarceration being more than of 03 years, the prosecution has not been able to conclude the trial, thus, his right of speedy trial has been defeated. He thus, submits that in the overall facts and circumstances, the petitioner deserves to be granted bail.

4. Per contra, learned State counsel has opposed the submissions made by counsel for the petitioner and submits that the petitioner is a habitual offender who is involved in 37 other cases. He, on instructions, has submitted that out of total 13 prosecution witnesses, the examination-in-chief only of one witness i.e. complainant has been done. He has produced on record the custody certificate of the petitioner.

5. After hearing counsel for the parties and perusing the record, it is deciphered that the petitioner was arrested in the present case on 09.04.2022. As submitted, it is after the onset of the COVID, the company of the petitioner has not fulfilled its promises as made to its customers. Out of total 13 prosecution witnesses, the examination-in-chief of only one witness has been done. The custody certificate produced would show that he has suffered an incarceration of 03 years, 01 month and 04 days as on 03.09.2025. It further reflects that the petitioner is involved in other cases also, however, in some of the cases he has been acquitted, in some of the cases he has undergone the sentence and in others, he is in custody

6. The veracity of the allegations would be assessed only after conclusion of the trial and on the appreciation of evidence to be led by both the parties before the trial Court. The trial of the case will take sufficiently long time. Thus, keeping in view the overall facts and circumstances of the case, this Court is of the opinion that learned counsel for the petitioner succeeds in making out a case for grant of regular bail to the petitioner. Accordingly, the present petition is allowed and the

petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate. Nothing said herein shall be treated as an expression of opinion on the merits of the case. In case the bail bonds are not furnished by the petitioner during the period of 07 days from today, then his further custody period after one week will not be counted in the present case.

04.09.2025
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(RAJESH BHARDWAJ)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No