



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

241

CRM-M-60808-2024

Date of decision: 24.02.2025

Manjinder Singh Cheema

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Jagdish Singh Mahal, Advocate
for the petitioner.

Mr. Shiva Khurmi, AAG, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner in the instant (second) petition is seeking the concession of bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in case FIR No.0081 dated 21.04.2021 under Sections 420, 406, 120-B of the IPC registered at Police Station City Gurdaspur, District Gurdaspur.

2. Learned counsel for the petitioner submits that in a magisterial trial the petitioner has now been in custody since 23.08.2021 and till date the trial has not concluded as 06 prosecution witnesses still remain to be examined. Learned counsel has further argued that a perusal of the FIR further reveals that there are no specific allegations against the petitioner therein; subsequently, during investigation the role attributed to the petitioner was of having induced the complainant and others of investing their money in M/s Kim Infrastructure & Developers Ltd. (hereinafter referred to as 'Company'),



CRM-M-60808-2024

where he was employed, on an assurance that their money would be doubled and they would be provided with plots and flats. It has been submitted that even as per the case of the prosecution, not a single penny was deposited in the bank account of the petitioner but all the money had been allegedly deposited in the account of the Company. Learned counsel has submitted that the Directors of the Company had arrived at an amicable settlement with the complainant and victims and hence, they had been extended the concession of bail. Learned counsel has submitted that in the aforementioned facts and circumstances, moreso when the petitioner was not to be a beneficiary of the amount so deposited by the victims and he was just an employee of the Company, the petitioner also deserved the similar concession of bail as had been granted to co-accused i.e. the Directors of the Company.

3. Per contra, learned State counsel while opposing the prayer and submissions made by learned counsel for the petitioner, on instructions from ASI Ranbir Singh, has not disputed the custody period of the petitioner nor has he disputed that the co-accused, who are Directors of the Company, had since been extended the concession of bail after they entered into a compromise with the victims etc.

4. On a pointed query, learned State counsel, on instructions, has also not disputed that the petitioner was merely working as an employee of the Company and as per allegations levelled, he had induced the victims to invest in the Company.

5. On a still further query posed to the learned State counsel, he, on instructions, has also not controverted that the entire amount had



CRM-M-60808-2024

been deposited into the accounts of the Company and not into the account of the petitioner.

6. I have heard learned counsel for the parties and perused the material placed on record.

7. The petitioner has been in custody since 23.08.2021 and till date only 09 prosecution witnesses have been examined, with 05 given up and 06 remaining to be examined. The possibility of the trial concluding in the near future looks remote. In the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of bail to the petitioner.

8. Accordingly, the instant petition is allowed. The petitioner be admitted to bail on his furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

9. Needless to add, in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the same.

24.02.2025

Vinay

(MANJARI NEHRU KAUL)
JUDGE

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