

CRM-M-57438-2024

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

CRM-M-57438-2024
Reserved on: 01.04.2025
Pronounced on: 22.04.2025

Pushpinder Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Naveen Batra, Advocate
for the petitioner.

Mr. Adesh Pal Singh, AAG, Punjab.

Mr. Umesh Sharma, Advocate
for the complainant.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
47	11.06.2024	Garhdiwal, District Hoshiarpur	406 & 420 IPC

1. The petitioner incarcerated in the FIR captioned above had come up before this Court under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking regular bail.

2. As per para No.8 of the reply, the accused has the following criminal antecedents:

Sr. No.	FIR No.	Date	Offenses	Police Station
1	85	13.09.2023	406/420/120B IPC	Gardhiwal
2	18	27.03.2024	420/120B IPC	Gardhiwal

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

“That it is humbly submitted that FIR No.47 dated 11.06.2024, under Section 420, 406 of Indian Penal Code, was registered at Police Station Garhdiwala, District Hoshiarpur against the petitioner-Pushpinder Singh, Punam Sharma and Mohit Sharma on the statement of complainant Baljinder Singh that they own company namely Jasraj Home Solution Marketing Private Limited, Garhdiwala. On 28.10.2019, they associated the complainant with the said company after telling him the plan. He was

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given online I.D.No.2733 in the name of Baljinder Singh. He was told that under plan Ghar Ghar Rojgaar, he can earn good income as the company is having several plans and is working as per law. They also disclosed that people in large number are investing money in the company and are earning a lot. Accused Pushpinder Singh and Punam Sharma alongwith him visited house to house and started showing saving plans of the company. They used to explain the plans as per which 12 monthly installments of Rs.1000/- were to be deposited; a draw was to be held every month and five prizes were being given; the member, who won the prize was not required to deposit the remaining installments, in case the member does not get a prize, then he would be returned Rs:12,000/- alongwith interest "456/-on complete deposit of 12 installments. Promise was made accordingly with him and other people known to him. But the complainant and other people associated with him were cheated by the company. Complainant had deposited 10,36,592/- and was cheated. Accordingly, Amarjit Singh was cheated to the tune of Rs. 17,87, 462/-, Jaspal Singh was cheated for Rs.23,72,249, Mehar Chand was cheated for 14,66,115 and several other people were cheated in the same manner. The total amount is 4,10,95,848/-. Another similar case is already registered against the accused, who have cheated several persons."

4. The petitioner's counsel submits that petitioner was only an employee of M/s Jasraj Home Solutions and his signatures were taken on various blank papers while providing him job and he was not aware of this kind of fraud, therefore he is falsely implicated in this case. He further 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 reply.

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

"6. That it is submitted that the petitioner alongwith his co-accused cheated the complainant and several other innocent investors to the tune of Rs.4,10,95,848/- on the promise of some saving plans. Several other people had been cheated in similar manner. Two other similar cases bearing FIR No.85 of 2023, under Section 406, 420 of Indian Penal Code, Police Station Garhdiwala and FIR No.18 of 2024, under Section 406, 420 of Indian Penal Code, Police Station Garhdiwala, are registered against the petitioner. The allegations against the petition are serious in nature

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and as such the present petition is liable to be dismissed.”

REASONING:

7. Allegations against the petitioner was that he along with co-accused, has cheated the complainant for an amount of around crores of rupees, but pre-trial custody of petitioner is more than 08 months, as such petitioner is entitled to bail. 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 08 months & 15 days. 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 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. 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.

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

13. Any observation made hereinabove is neither an expression of opinion on the

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case's merits nor shall the trial Court advert to these comments.

14. 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.

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

(ANOOP CHITKARA)
JUDGE

22.04.2025
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Whether speaking/reasoned: Yes

Whether reportable: No.