

2025:PHHC:045417



219.

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

CRM-M-41465-2024

Date of decision: 03.04.2025

Gurdeep Singh

.... Petitioner

Versus

State of Punjab

.... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. A.P.S. Tung, Advocate for the petitioner.

Mr. Amit Rana, Senior DAG, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

1. Prayer in this petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 is for grant of regular bail to the petitioner, in case FIR No.0007, dated 16.01.2021, under Sections 406, 420, 120-B of IPC, registered at Police Station City Hoshiarpur, District Hoshiarpur.

2. Learned counsel for the petitioner contends that the petitioner has been in custody since 22.11.2023 in a magisterial trial. Even though investigation is complete and challan was presented way back on 12.02.2024, the trial has not made any headway thereafter, as charges have not yet been framed. Learned counsel submits that in the circumstances, more so when as many as 46 witnesses have been cited by the prosecution, the possibility of the trial concluding in the near future does not arise. Learned counsel has reiterated his submissions made on the last date of

hearing that the petitioner was not the Director of the Company i.e. M/s Kim Infrastructure and Developers Limited (hereinafter referred to as the 'Company') which had allegedly cheated the complainant and others of an amount of approximately Rs.4 crores; he was merely an employee of the said Company. In support, learned counsel has drawn the attention of this Court to Annexures P-7 and P-8. A prayer has, therefore, been made for extending the concession of bail to the petitioner.

3. *Per contra*, learned State counsel, while opposing the prayer and submissions made by the counsel opposite, on instructions from ASI Satnam Singh, has not disputed the custody period of the petitioner or the stage of trial. However, learned State counsel, while drawing the attention of this Court to the affidavit dated 12.11.2024 of Dev Dutt Sharma, PPS, Deputy Superintendent of Police, Sub-Division City, District Hoshiarpur, has submitted that the petitioner was an active participant in the crime in question and had been managing the affairs of the Company, which had duped a number of investors on the pretext of doubling their invested amount in the next six years. It has been further submitted by the learned State counsel that the petitioner is facing trial in five other criminal cases of identical nature, which stands detailed in para 9 of the affidavit.

4. Learned State counsel, on further instructions, has submitted that some of the accused are yet to be arrested which has delayed the conclusion of the trial.

5. On a pointed query put to learned counsel for the State, he, on instructions, has not disputed that the entire case of the prosecution hinges on documentary evidence which is part of the challan. However, it has been

re-asserted by the learned State counsel that the petitioner along with the co-accused have duped a number of innocent persons of their hard earned money. A prayer has, therefore, been made for dismissal of the instant petition.

6 Learned counsel for the petitioner submits that the petitioner be put to any stringent conditions while extending the concession of bail.

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

8. It is not disputed that the instant case against the petitioner is based on documentary evidence which is part of the challan. There can be therefore no risk of the petitioner tampering with the evidence. Furthermore, after the challan was presented way back on 12.02.2024, charges have not yet been framed and the next date fixed before the trial Court is 11.04.2025 when there is a possibility of the charges being framed. The prosecution has cited 46 witnesses, who would be examined only after the charges are framed. Hence, there is no likelihood of the trial concluding in the near future. Although the petitioner is involved in eight other criminal cases of identical nature, however, this Court cannot lose sight of the fact that in the present case, the trial has come to a virtual standstill. As per the instructions received by the learned State counsel, the trial has not proceeded any further due to some of the accused being at large. The present case is triable by a magistrate.

9. In the facts and circumstances as enumerated hereinabove, this Court, therefore, deems it fit to extend the concession of bail to the petitioner.

10. Accordingly, the instant petition is allowed and the petitioner be admitted to bail on his furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned. However, keeping in view the criminal antecedents of the petitioner, the trial Court while accepting the bail/surety bonds may put the petitioner to any stringent conditions as it may deem fit.

11. It is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

**(MANJARI NEHRU KAUL)
JUDGE**

April 03, 2025
sanjeev

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No