

PBBT010007972021



Presented on : 01-02-2021
Registered on : 02-02-2021
Decided on : 05-02-2021
Duration : 0 years, 0 months, 4 days

***IN THE COURT OF SH. MOHAMMAD GULZAR,
ADDITIONAL SESSIONS JUDGE,
BATHINDA
(UID PB-0063)***

**CNR No.PBB-T01-000797-2021
CIS BA 303 of 2021.
Decided on 5.2.2021.**

State versus Balwinder Singh son of Tara Singh, resident of
village Singhpua, tehsil Kalanwali, District
Sirsa.
Applicant-accused.

***FIR No.307 dated 24.9.2019,
Under Section 420/120-B of
Indian Penal Code,
Police Station Talwandi Sabo,
District Bathinda.***

***Bail Application under Section 439 of
Code of Criminal Procedure.***

Present: Sh.K.S.Gill, Advocate, counsel for applicant-accused.
Sh.H.S.Gill, Addl.P.P.for State

ORDER

**This order of mine shall dispose of an application for
regular bail filed by aforesaid petitioner in case FIR No.307 dated**

*Mohammad Gulzar
Additional Sessions Judge PB-0063*

24.9.2019, Under Section 420/120-B of Indian Penal Code, Police Station Talwandi Sabo, District Bathinda.

2. The case of the prosecution has been registered on the basis of application filed by Gurnam Singh son of Mangal Singh to SSP Bathinda, on the averments that Gurtej Singh got deposited the amount from him and other persons stating that he is running a company namely Genial Hi-Tech Agro India Ltd., Talwandi Sabo and the company will give the interest at higher rates. He has also issued the receipts to them. They have approached the company for refund of their amount, but the company was closed. The enquiry was conducted wherein it reveals that a fictitious company was prepared by Gurtej Singh having its office at Talwandi Sabo, wherein his wife Simarjit Kaur, his brother Balwinder Singh (bail applicant) and Mander Singh are partners. The company has opened its office in different cities and the company is making publicity that the company will open the dairy farming and the persons who will invest in company, will get the double amount from the company. It has been found during the investigation that the company has lateron been closed and the amount has not been returned to the investors. During the investigation, Tara Singh father of Gurtej Singh also admitted that his son Gurtej Singh has opened the company alongwith his wife, Balwinder Singh and Mander Singh, who have closed the company and left to unknown place. Mander Singh is his real nephew who is partner in the

company. He produced the documents wherein Gurtej Singh is shown as CMD and Mander Singh is Managing Director and Harbans Singh, meeting Manager. The documents has been taken in the police possession and challan has already been presented before the illaqa Magistrate.

3. Notice of this bail application was issued to the State. Police record was requisitioned and received.

4. I have heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

5. Learned counsel for the petitioner has contended that the petitioner is innocent. He has not committed any offence at all. He has no concern with any company. Moreover, the complainant has only given the name of Gurtej Singh in his complaint to SSP Bathinda. He prayed for concession of regular bail to the applicant.

6. On the other hand, the learned Additional Public Prosecutor for the State has strongly opposed the bail application. He argued that as per the documents, the applicant Balwindere Singh is partner and share holder of the company. His name also figure in the memorandum of association of the company. He further argued that the applicant is involved in three other cases bearing FIR No.297 dated

25.12.2018 under Section 420/120-B of Indian Penal Code, Police Station Civil Lines, Bathinda, FIR No.155 dated 6.9.2019 under Section 420/120-B of Indian Penal Code, Police Station City Kotkapura, FIR No.102 dated 19.5.2018 under Section 420/468/471/506/34 of Indian Penal Code, Police Station Kalanwali, District Sirsa. He prayed for dismissal of the bail application.

7. After considering the rival contentions of learned counsel for the petitioner and learned Additional Public Prosecutor for State, the allegations against the petitioner are that he is share holder and promoter of Genial Hi-tech, who has got deposited the amount from the complainant and other persons by alluring them to give double amount after five years by investing the same in dairy farming, but the company has been closed without returning the amount to the complainant and others persons who have invested. The huge amount has been collected by the company from the persons whose name has been mentioned in the enquiry report, but the amount has not been returned to them, rather the company has been closed. Even otherwise, the applicant is also involved in three other cases of same category.

8. Without commenting on the merits of the case and keeping in view the gravity of offence, I do not deem it a fit case for grant of regular bail to the petitioner. The bail application is hence dismissed.

Mohammad Gulzar
Additional Sessions Judge PB-0063

Police record be returned. File of this Court be consigned to the Record Room.

Pronounced in open Court
Dated: 5th February, 2021

(Suman)

(Mohammad Gulzar),
Additional Sessions Judge,
Bathinda/5.2.2021
(UIDPB0063)