

In the Court of Sachin Sharma, Addl. Sessions Judge, Ferozepur

CNR No. PBFZ0100-4005-2019

B.A. No.368 of 22.08.2019

CIS No.BA-1560/2019

Date of Order: 28.08.2019

State

Versus

Malkiat Singh son of Harnam Singh, resident of village Khunder
Hithar, Tehsil Mamdot, District Ferozepur.

... Applicant/accused

FIR No.164 of 18.09.2018,
U/s 420,467,468,471,120-B of IPC,
P.S. Guruharsahai.

(Application for bail under Section 439 of Cr.P.C)

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Present: Sh. Harish Dhingra, Adv., counsel for the applicant/
accused.

Sh. Rajiv Chaudhary, Addl.PP for the State.

O R D E R

1. This order of mine shall dispose of this bail application,

moved by above named accused/applicant under Section 439 of Cr.P.C, pertaining to criminal case registered vide FIR No. 164 of 18.09.2018, as stated above.

2. Brief facts of the present case are that the present case was registered on the statement of Surjit Singh complainant, on the allegations that applicant/accused allegedly being an agent of the company, which was run by Surjit Singh and others co-accused/non-applicants, who defrauded number of persons and thereby embezzled amount of more than Rs.7 Crores after receiving same on account of assurance for investment in the investment scheme. Hence the present bail application.

3. Upon notice, learned Addl. Public Prosecutor for the State appeared. Record of the case has also been summoned.

4. I have heard learned counsel for the applicant/accused, learned Additional PP for the State and have gone through the record.

5. Learned counsel for the applicant/accused contended that the applicant/accused has been falsely implicated in this case. Nothing is to be recovered from him. Therefore, a prayer for the grant of bail has been made.

6. On the other hand, learned Addl.PP for the State has vehemently and strongly opposed the bail application and argued that there are serious allegations against the accused/applicant and prayed for dismissal of the bail application.

7. I have paid a considerable thought to the submissions of both the sides and have gone through the record very carefully with their able assistance.

8. Perusal of the FIR as well as police record shows that applicant/accused allegedly being an agent of the company, which was run by Surjit Singh and others co-accused/non-applicants, who defrauded number of persons and thereby embezzled amount of more than Rs.7 Crores after receiving same on account of assurance for investment in the investment scheme. Moreover, challan in this case is yet to be presented against the present applicant/accused.

10. Therefore, while taking into consideration the aforesaid facts and circumstances of the present case alongwith serious allegations against the applicant/accused and other co-accused/non-applicants, who committed fraud with the general public for a sum of more than Rs.7 Crores and recovery in the present case is yet to be effected, at the

same time, supplementary challan would also be presented against the applicant/accused within short span of time, as such, present bail application is hereby dismissed, at this stage, as this court is of the view that at least complainant and other victims must be examined in the present case. Anything said in this order shall not affect the merits of the main trial in any manner. Papers be consigned to the record room.

Pronounced in open Court.
Dated: 28.08.2019
yashpaul

Sd/-(Sachin Sharma)
Addl.Sessions Judge,
Ferozepur
UID No.PB0519