

**(2010) 12 P&H CK 0151**

**In the Punjab And Haryana At Chandigarh**

**Case No :** Criminal Miscellaneous No. M-34394 of 2010

Jagroop Singh and Others

APPELLANT

Vs

State of Haryana

RESPONDENT

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**Date of Decision :** 20-12-2010

**Acts Referred:**

Negotiable Instruments Act, 1881 (NI) — Section 138

**Citation :** (2010) 12 P&H CK 0151

**Hon'ble Judges :** M.M.S. Bedi, J

**Bench :** Single Bench

**Final Decision :** Allowed

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**Judgement**

M.M.S. Bedi, J.—The Petitioner seeks the concession of pre-arrest bail in a case registered against them on the allegations that the

Petitioners had floated a Company under the name M/s Bronze Real Estate Pvt. Ltd., and they had invited various persons to invest money in the

said Company with a promise to pay double the amount within a short duration. The Petitioners had also promised to sell the plots to the buyers on

receipt of 95 per cent of the price in advance. Remaining 5 per cent was agreed to be paid on the date of execution of the sale deed without there

being any permission from the concerned Department to divide the land into plots and sell it.

2. The Petitioners claim that they have been falsely implicated in the case and that they do not have any intention to misappropriate the money of

the investors. Reliance has been placed on the terms and conditions of the agreement signed between rights of the Company as well as the

investors to contend that it was not the responsibility of the Company to get CLU.

3. I have heard the counsel for the Petitioner and counsel for the complainant as well as the State counsel and gone through the police file. The

Petitioners have collected huge money from General Public and misappropriated the same.

4. I have also considered the contention of counsel for the Petitioners that it is a case of mere civil liability and that some profits have also been

earned by the complainant and that on account of some cheques having been dishonoured, notices u/s 138 of the Negotiable Instruments Act, have

been issued to the Petitioners. The said contention may constitute good ground for the grant of regular bail, but no extra ordinary exceptional

circumstances exist to grant the concession of pre-arrest bail to all the Petitioners, at this stage.

5. No ground is made out to grant the concession of pre-arrest bail to all the Petitioners.

6. Petitioner No. 2 Sushil is the wife of Jagroop Singh. She is allegedly the Director of the Company but there is no sufficient material available on

the record to arrive at a conclusion that she was actually Incharge and responsible for the conduct of the business of the Company. She being the

wife of Petitioner No. 1, can be granted the concession of pre-arrest bail being a female.

7. The petition for the grant of pre-arrest bail filed on behalf of all the Petitioners is dismissed except for Sushil wife of Jagroop Singh.

8. This petition is allowed qua Sushil. It is ordered that in case of her arrest, she will be released on bail to the satisfaction of the arresting officer

subject to an additional condition that she will not leave India without the permission of the Court and will also not tamper with the evidence or

hamper the investigation in any manner.