

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM No. M-7524 of 2015 (O&M)
Date of Decision: 26.5.2015

Gurmit Singh

--Petitioner

Versus

State of Punjab

--Respondent

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. Deepak Sabherwal, Advocate for the petitioner.

Mr. Nikhil K. Chopra, D.A.G., Punjab.

Mr. H.S. Dhaliwal, Advocate for the complainant.

TEJINDER SINGH DHINDSA.J

This order shall dispose of the instant petition filed under Section 439 Cr.P.C praying for grant of regular bail to the petitioner in case F.I.R. No.84 dated 28.10.2014 under Sections 420, 465, 467, 468, 471, 120-B I.P.C registered at Police Station, Division No.6, Jalandhar.

Learned counsel for the parties have been heard.

Complainant in the present case is Harbans Singh Chandi and the allegations are primarily against Amarjit Singh with regard to having been induced to enter into a Memorandum of Understanding dated 5.10.2012 by stating himself to be a registered contractor and supplier to the Rail Coach Factory, Kapurthala and having a number of contracts allotted in his favour. Further allegations are that in pursuance to the Memorandum Of Understanding dated 5.10.2012 entered into between the main accused Amarjit Singh and the complainant as many as 250 trollys were manufactured and supplied to Amarjit Singh and for which the financial obligation was never met. Suffice it to observe that the total fraud alleged is to the tune of Rs.89 lacs approximately.

In so far as the present petitioner i.e. Gurmit Singh is concerned, his role is that of an employee i.e. of working as Supervisor in the firm owned and run by Amarjit Singh, main accused.

Even the Memorandum Of Understanding dated 5.10.2012, which has been placed on record at Annexure P-6, would make it apparent that Gurmit Singh, present petitioner was neither the signatory to such Memorandum of Understanding and nor was he a beneficiary in any manner in pursuance to such contractual understanding having been entered into. Such Memorandum of Understanding has been signed between the main accused Amarjit Singh and the complainant Harbans Singh and carries the signatures of witnesses Harkaran Singh and Munish Gulati.

The petitioner has been in custody since 28.10.2014.

Investigation in the case has already been completed and after presentation of challan even charges have been framed.

This Court is of the considered view that the present petitioner in the capacity of an employee of a firm owned and run by main accused Amarjit Singh would not be in a position to hamper or influence the course of trial, if, the concession of bail is granted to him.

Accordingly, without making any observations on merits, present petition is allowed.

Petitioner be enlarged on bail subject to satisfaction of C.J.M./Duty Magistrate, Jalandhar.

Disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

26.05.2015
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