

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

CRM-M -16577 of 2016 (O&M)
Date of decision: 21.12.2016

Naresh Kumar @ Soni

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mr. A.S. Cheema, Advocate for the petitioner(s).

Ms. Harsimrat Rai, DAG, Punjab.

None for respondent No.2.

Jitendra Chauhan, J. (Oral)

By filing the present petition under Section 438 of the Code of Criminal Procedure, the petitioner has sought anticipatory bail in FIR No.67 dated 18.08.2015, registered under Section 420 of IPC, at Police Station Kot Dharmu, District Mansa.

On 13.05.2016, this Court had passed the following order:-

“Prayer is for grant of anticipatory bail in case FIR No.67 dated 18.8.2015,PS Kot Dharmu,Distt.Mansa under Section 420 IPC.

As per allegations of the prosecution the main accused Nar Singh Bura alongwith co-accused Amrit Pal Singh Sidhu and the petitioner accused were involved in inducing unsuspecting customers to invest in a project floated by the main accused Nar Singh Bura for establishing a cow plant under the name and style

of Modern Agro India Limited for lucrative returns. It is alleged that the amount was collected and diverted to some other project and the main project was never established. Thus there are allegations of cheating and misappropriation.

It is contended that the petitioner is an employee and similarly placed co-accused employee Amrit Pal Singh Sidhu has been extended concession of anticipatory bail. That apart, even the main accused Nar Singh Bura has since been arrested and enlarged on regular bail.

Notice of motion for 9.8.2016.

In the event of arrest, the petitioner shall be released on bail on furnishing adequate bail and surety bonds to the satisfaction of the Arresting/Investigating Officer. Petitioner shall appear before the I.O., as and when called upon for investigation and shall also be bound by all the conditions stipulated in Section 438(2) Cr.P.C.”

It is contended that as per allegations, the petitioner persuaded the investors to invest in a project headed by co-accused, Nar Singh Bura for establishing a cow plant under the name and style of Modern Agro India Ltd. The amount allegedly collected from the investors was diverted to some other project and the funds of the complainant and other investors have been misappropriated. He further submits that the petitioner is the employer of main accused, Nar Singh Bura. The complainant has entered into compromise with the main accused. The similarly situated co-accused, Amritpal Singh Sidhu has been allowed bail by this Court. In pursuance of the order dated 13.05.2016, the petitioner has joined the investigation.

The learned State counsel fairly admits the fact that the petitioner is at par with co-accused, Amrit Pal Singh Sidhu.

In view of the above, without expressing any opinion on the merits of the case, the interim bail granted by this Court vide order dated 13.05.2016, is made absolute, subject to furnishing bail bonds/surety bonds to the satisfaction of learned Chief Judicial Magistrate/Duty Magistrate, concerned.

The petition stands allowed.

21.12.2016
sumit.k

(JITENDRA CHAUHAN)
JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable:	Yes	No