

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

CRM-M-31892 of 2016

Date of Decision: April 28, 2017

Surinder Pal Singh Rana

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. Sartej Singh Narula, Advocate
for the petitioner.

Mr. J.S. Brar, AAG, Punjab.

Mr. Ajaivir Singh, Advocate
for the complainant.

FATEH DEEP SINGH, J.

The allegations against the petitioner in this anticipatory bail application under Section 438 Cr.P.C are that one Company M/s Richi Developers and Infrastructure Pvt. Ltd. (hereinafter referred to as 'Company') is alleged to be run by the complainant Satpal Multani, who made a written complaint in which he alleged that he was having an account with Punjab and Sind Bank, where the petitioner happens to be the Chief Manager. It is alleged that one of the Directors Sukhwinder Singh/accused had retired after his resignation was accepted w.e.f. 29.3.2013 and it transpired that a car bearing No.CH-01-AH-8052 in the name of the Company and was hypothecated to HDFC Bank had been sold and given away on 21.6.2013 by Sukhwinder Singh to one Kuljit Singh. On further scrutiny, it was revealed that another car bearing No.CH-011-AK-1696

which was under the loan agreement of Kotak Mahindra Prime Ltd, purchased by accused on the basis of forged guarantee of the complainant for which he was not paying EMIs. Consequently, it led to divulgence that the petitioner, who by misusing his position in the Bank had shown Sukhwinder Singh one of the signatory of the Bank account when it was not so, thus, has sought to cheat the complainant, his company and claimed that Company has been duped to Crores of rupees by the accused party.

The contentions of the learned counsel for the petitioner that it was in in the month of December, 2010 the complainant Satpal Multani and his wife had inducted the Additional Director namely Sukhwinder Singh in the Company and whose name was duly incorporated in the Memorandum and Articles of Association of the Company and, therefore, it was on the asking of the complainant side his name has been legitimately and legally incorporated in the records of the Company and has sought to highlight that even the petitioner has no role to play in the commission of offence nor in any manner benefited by such an act and during the investigations name of Ashni Kumar, previous Chief Manager had inducted Sukhwinder Singh in the account of the Company by adopting due recourse and, thus, nothing is to be recovered from the petitioner.

Learned counsel for the complainant has sought to oppose the grant of bail to the petitioner on the grounds that there are allegations of fraud and deceit by the petitioner who has misused his position in the Bank. Learned State counsel has made statement as per instructions received by him from the Investigating Officer that the petitioner has been found innocent.

Appreciating the submissions and stand of the State which is well apparent even from the General Diary Details placed by the learned counsel it is reflected that the petitioner though has been added as an accused but no culpability has been attributed to him. Together with the fact that as is highlighted from the records it is a clear cut case of falling-out of the complainant and accused side in the joint business venture between the complainant and principal accused Sukhwinder Singh, who admittedly during the course of submissions as has come forth was at one point of time was one of the Directors in the Company. No specific role could be brought to the notice of the Court qua the petitioner in commission of offence. More so, culpability, if any, shall be determined at the time of trial and it would be travesty to justice to send the petitioner behind the bars. Thus, the present application stands allowed. In the event of arrest of the petitioner, he be admitted to bail to the satisfaction of the arresting officer/Investigating Officer and that he shall abide by the conditions as envisaged under Section 438(2) Cr.P.C.

(FATEH DEEP SINGH)
JUDGE

April 28, 2017
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Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No