

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-26853-2018
Date of decision:27.11.2018

Gurpreet Singh

....Petitioner

Versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR.JUSTICE GURVINDER SINGH GILL

Present: Mr. Rajvir Singh, Advocate
for the petitioner.

Ms. Ruchika Sabherwal, AAG, Punjab
assisted by HC Harwinder Singh.

GURVINDER SINGH GILL, J. (ORAL)

The petitioner seeks grant of anticipatory bail in respect of
FIR No.59 dated 02.05.2018 under Sections 420, 506 of Indian Penal
Code, 1860, Police Station Macchiwara, District Khanna.

The FIR was registered at the instance of Balwinder Kaur
wherein it has been alleged that she was earlier working as an agent with
Pearl Group and used to deposit in the company the investments made by
his clients. Subsequently Gurpreet Singh also joined the company and
used to deposit the investments after receiving from his clients and they
were working separately. It is alleged that Gurpreet Singh however left
the company and joined INCANE company. Subsequently when the
company Pearl Group was likely to close, Gurpreet Singh told her to
make investments in his company i.e. INCANE company and the

complainant trusting him told her clients to make deposits in the said INCANE Company. It is alleged that thereafter said Gupreet Singh left INCANE company and joined PURVANCHAL company and started depositing the amounts received from her clients in the said PURVANCHAL Company. On the asking of the petitioner, the complainant opened her account as well in PURVANCHAL company. The complainant has alleged that although she had deposited amount in the said PURVANCHAL Company and the petitioner had handed over a passbook but upon verification from the office of PURVANCHAL company she came to know that the endorsements and the stamps affixed therein are all forged. It is further alleged that subsequently, pursuant to a written complaint made to the police a written compromise was effected wherein the petitioner is stated to have admitted his liability, but has not returned the amount of ₹9,12,000/-.

Learned counsel for the petitioner has submitted that he has falsely been implicated and that the alleged compromise was got effected through force by the police and he was taken to stamp-vendor and forcibly made to sign on stamp paper regarding which he filed a suit against the Police Officer seeking permanent injunction. It has further been submitted that there is no documentary evidence to show that the complainant indeed has given an amount of ₹9,12,000/- to the petitioner and in these circumstances, the petitioner deserves concession of bail.

On the other hand learned State counsel contends that in view of the specific allegations levelled in the FIR and fact that the passbook was containing forged entries, the complicity of the petitioner is

evident.

Having considered rival contentions addressed before this Court and bearing in mind the nature of allegations and that the case is mainly based on documentary evidence in the shape of record pertaining to deposits and that the petitioner has already joined investigation, this Court does not find that the present case warrants custodial interrogation. Accordingly the petition is accepted and the interim directions issued vide dated 29.06.2018 by this Court are hereby made absolute subject to the condition that the petitioners would appear before Investigating Officer as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C.

The petition is accepted in the above mentioned terms.

It is, however, clarified that none of the observations made above shall be taken to be an expression on merits of the main case.

27.11.2018
Gaurav Sorot

(GURVINDER SINGH GILL)
JUDGE

Whether reasoned / speaking? **Yes / No**

Whether reportable? **Yes / No**