

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

CRM-M No.10507 of 2019

Date of Decision: 18.03.2019

Rajeev Singhi

....Petitioner

Versus

State of Punjab

....Respondent

BEFORE :- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present:- Mr. R.S. Cheema, Sr. Advocate
with Mr. A.S. Cheema, Advocate
for the petitioner.

Ms. Ruchika Sabharwal, A.A.G., Punjab.

DAYA CHAUDHARY, J.

Petitioner-Rajeev Singhi has filed the present petition under Section 439 Cr.P.C for releasing him on regular bail in case FIR No.147 dated 24.05.2014 registered under Sections 420, 406, 467, 468, 471, 120-B, 409 and 477-A IPC at Police Station City, Kapurthala.

Learned senior counsel for the petitioner submits that the petitioner has falsely been implicated in the case, whereas, he was not involved. He also submits that the petitioner was neither accused in the FIR nor in the Investigation Report dated 29.06.2015 and another SIT was constituted on the basis of application made by the complainant. The petitioner was exonerated in the report dated 07.05.2016. Thereafter, the investigation was transferred to Inspector General of Police (State and Cyber Crime), SAS Nagar, who further marked the same to SHO State Crime, SAS Nagar, who conducted the investigation and submitted his

report dated 01.09.2017. Learned senior counsel also submits that the petitioner is not a beneficiary and the accused, who are beneficiary, have been released on regular bail either by this Court or by the Court of Additional Sessions Judge. The petitioner is in custody since 15.02.2019. Learned senior counsel further submits that main accused-Sukhwinder Singh has been released on regular bail. It is also the argument of learned senior counsel that the provisional balance sheet was prepared on the basis of partnership deed in which the shares of the partners were reflected as 80% for Sonia Bawa, 20% for Sukhwinder Singh and the remuneration was 50% each for both the partners. Thereafter, the petitioner prepared the final audited balance sheet. For preparing this document, the petitioner was supplied with an addendum dated 06.03.2013 to the partnership deed, wherein, the share for partnership was reversed as 20% for Sonia Bawa and 80% for Sukhwinder Singh. Said addendum was signed by both the partners as well as two witnesses and it was brought before the petitioner and accounts were prepared by the accountant of the firm. The balance sheet was prepared on the basis of said documents. Learned senior counsel also submits that an intimation in this regard was also sent to the Income Tax authorities. It was the duty of the petitioner to mention the change in the balance sheet. There cannot be any allegation of forgery against the petitioner.

Learned State counsel has opposed grant of bail to the petitioner on the ground of serious allegations against him. There are total 14 accused, out of which, four accused have been declared as proclaimed offenders. Petitioner was earlier declared as a proclaimed offender but he surrendered before the Court on the same date when he was declared as a

proclaimed offender. Learned State counsel has also not disputed that the petitioner is not a beneficiary. The main accused, who is the beneficiary, has been released on regular bail.

Heard the arguments of learned counsel for the parties and have also perused the contents of the FIR as well as other documents available on the file.

Undisputedly, the petitioner earlier filed an anticipatory bail which was dismissed and thereafter, he approached the Hon'ble Apex Court and interim protection was granted to him. During that period also, the petitioner joined the investigation. The prosecuting agency also filed an affidavit dated 24.10.2018 before the Court stating that the petitioner was not required for custodial interrogation as is clear from Annexure P-19. Subsequently, that petition pending before the Hon'ble Apex Court was dismissed as withdrawn on 29.10.2018. The FIR, in the present case is of the year 2014 and initially, it was investigated by the Kapurthala police. The petitioner joined the investigation. After investigation, it was transferred to Mohali police. The petitioner was not found to be involved as per report of SP(D) dated 29.06.2015. Subsequently, the role of the petitioner was surfaced in the investigation after recording the statement of one Nikhil Jain under Section 161 Cr.P.C as the petitioner was witness to addendum to the partnership deed dated 07.10.2011 which was prepared by main accused Sukhwinder Singh. The investigation continued for a period of more than four years. Ultimately, it was completed and the challan was presented under Section 173 Cr.P.C. The Deputy Superintendent of Police also filed a specific affidavit before this Court as well as before the Hon'ble Apex Court that custodial interrogation was not required. Co-accused of the

petitioner, namely, Garima Parihar, Vipin Nagi, Aditi Walia, Dharmender Tewari, Deepak Bajaj and Naval Kishore have been released on regular bail. The main accused was the beneficiary, who has been released on regular bail. There are total 14 accused, out of which, four accused have been declared as proclaimed offenders. The petitioner is in custody since 15.02.2019. The trial may take some time to conclude and no useful purpose would be served by keeping the petitioner behind bars. Moreover, the offence is triable by the Magistrate.

Accordingly, the present petition is allowed and petitioner, namely, Rajeev Singhi is directed to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court.

(DAYA CHAUDHARY)
JUDGE

18.03.2019
gurpreet

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No