

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

CRM No.M-38705 of 2018 (O&M)
Date of Decision: February 25, 2019

Sanjay Kumar Gupta

...Petitioner

VERSUS

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Anmol Rattan Sidhu, Sr. Advocate with
Ms.Avneet Kaur Brar, Advocate for the petitioner.

Ms.Monika Jalota, DAG, Punjab
for the respondent-State.

Mr.Puneet Bali, Sr. Advocate with
Mr.Aman Pal, Mr.Dhruv Kapoor and
Mr.Rajan Kohli, Advocates for the complainant

INDERJIT SINGH, J.

Petitioner has filed this petition under Section 438 Cr.P.C. for grant of anticipatory bail in case FIR No.262 dated 27.07.2018 under Sections 420 and 511 IPC, registered at Police Station Sahnewal, District Police Commissionerate, Ludhiana.

Notice of motion was issued. Learned State counsel as well as learned counsel for the complainant appeared and contested the petition.

I have heard learned counsel for the parties as well as learned State counsel and have gone through the record.

As per the FIR, the petitioner was employed as AGM Operations by the complainant. He, as per the allegations in the FIR, in connivance with other persons, with whom the complainant-company used

to have business dealings, asked for commission of ₹10/- per kg. Learned

counsel for the complainant further argued that petitioner along with co-accused also indulged in similar practices in the past with other suppliers and thus caused huge financial loss to the company.

On the other hand, learned counsel for the petitioner stated that petitioner was earlier working for so many years with the complainant and again, has worked for years together but there is no complaint of any type regarding conduct of the petitioner.

The FIR has been registered under Sections 420 and 511 IPC. From the perusal of the FIR, there is nothing that any specific money has been paid by any of the supplier to the petitioner. Specific query has been put to learned State counsel that whether Investigating Officer has recorded the statement of any other supplier regarding giving any commission etc. to the present petitioner and she replied in negative.

The petitioner has already joined the investigation. Nothing is to be recovered from him. The petitioner is not required for custodial interrogation. No useful purpose will be served by sending and keeping the petitioner in custody till the disposal of the case.

Keeping in view the facts and circumstances of the case and without discussing the facts of the case in minute details and without expressing any opinion on the merits of the case, I find it a fit case, where the petitioner is entitled to benefit of anticipatory bail. Therefore, the present petition is accepted and the order dated 06.09.2018 granting interim bail to the petitioner, is made absolute.

February 25, 2019
Vgulati

(INDERJIT SINGH)
JUDGE
Yes
No

Whether speaking/reasoned
Whether reportable