

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-3285-2019 (O&M)
Date of Decision:-4.2.2020

Mander Singh ... Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Krishan Singh, Advocate for the petitioner.

Ms. Rashmi Attri, Assistant Advocate General, Punjab.

Mr. G.S. Sandhu, Advocate for the complainant.

GURVINDER SINGH GILL, J.(Oral)

1. The petitioner has approached this Court seeking grant of anticipatory bail in respect of a case registered vide FIR No.297 dated 25.12.2018 at Police Station Civil Lines, Bathinda, District Bathinda under Sections 420, 406 and 120-B of Indian Penal Code.
2. The FIR was lodged at the instance of Dr. Gursewak Singh Gill, wherein it has been alleged that in August 2015 he met Gurtej Singh, his wife Simarjit Kaur and Mander Singh (petitioner) and who represented that they are running a company namely 'Genial Health Agro India Limited' and convinced him to invest some amount in the said company as he would get handsome returns from the same. It is alleged that the said persons also

showed some documents of the company as per which Gurtej Singh was having 80% share, Simarjit Kaur was having 8% share, Balwinder Singh was having 8% share and Mander Singh (petitioner) was having 1% share while the other three persons were also having 1% share each.

3. It is the case of the complainant that he invested an amount of ₹30 lakhs and although as per promise that he was to receive the returns in respect of the said investment, but no such returns were received and he later realized that he had been defrauded.
4. The learned counsel for the petitioner has submitted that even as per FIR it is Gurtej Singh, who is the main accused and the petitioner at best can be said to be share-holder to the extent of 1% share only. The learned counsel for the petitioner has further submitted that as per direction issued by this Court vide order dated 25.11.2019 he has already paid an amount of ₹35,000/- to the complainant and he has also joined investigation.
5. Opposing the petition, the learned State counsel has submitted that since the petitioner is specifically named in the FIR, no case for grant of bail is made out. It has, however, been informed that the petitioner has since joined investigation.
6. Without commenting anything as regards merits of the case and while bearing in mind that the petitioner is alleged to have only 1% share in the company and that he has already joined investigation, custodial interrogation is not warranted. The petition, as such, is accepted and the interim directions issued by this Court vide order dated 25.11.2019 are hereby made absolute subject to the condition that the petitioner shall join investigation 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.

4.2.2020

pankaj

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No