

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

CRM-M-27002-2018 (O&M)
Date of Decision:-2.8.2021

Sukhdev Kumar ... Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Vaibhav Narang, Advocate for the petitioner.

Mr. Ajay Pal Singh Gill, DAG, Punjab,
assisted by ASI Hardeep Singh.

Mr. Vivek K. Thakur, Advocate for the complainant.

(proceedings conducted through video conferencing)

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.256 dated 25.12.2017 at Police Station Civil Lines Batala, District Batala under Section 420 of Indian Penal Code.
2. The allegations, in nutshell, are that the complainant Balbir Singh in the FIR alleged that Neeraj Thatai @ Neeraj Arora (Managing Director of Nature Heights Infra. Limited) and Sukhdev Kumar (petitioner) (Branch Manager) induced him to invest amount in their company and that the same would be

doubled in 5 years and that being taken in by the said representation, he deposited an amount of ₹2.70 lakhs. It is further alleged that as security a plot measuring 19450 sq.ft. was shown to be in his name. It is further alleged that even his relatives Sukhjinder Singh invested an amount of ₹1.43 lakhs and Ranjit Singh invested an amount of ₹78,125/-. The details of investments by some other relatives have also been mentioned therein. It is alleged that later the complainant came to know that the company had defrauded several persons and had committed fraud with several other identical situated persons.

3. Learned counsel for the petitioner has submitted that the petitioner was merely working as an employee of the company and whatever amounts were deposited by the investors, the same were deposited in the bank account of the company and that he is not the beneficiary at all in any manner in respect of the investments.
4. Opposing the petition, learned State counsel assisted by learned counsel for the complainant has submitted that since it was solely on the inducement of the petitioner that the huge amounts were invested by the complainant and others, his complicity is clearly evident. The learned State counsel, upon a query put by this Court, could not furnish anything to the effect, which could show that the petitioner had indeed benefited from the investments. No details of the bank account either of the petitioner or of the company have been shown indicating that any amount has been transferred to the account of the petitioner other than his salary. Learned State counsel has informed that the main accused namely Sukhdev Singh has since been declared a

proclaimed offender. Learned State counsel has, however, informed that pursuant to interim directions, the petitioner has since joined investigation.

5. Having regard to the facts and circumstances of the case particularly the fact that there is nothing to show that the petitioner has benefited from the investments made by the investors and also noticing that pursuant to interim directions issued in the year 2018, the petitioner has since joined investigation, his custodial interrogation is not warranted. The petition, as such, is accepted and the interim directions issued by this Court vide order dated 2.7.2018 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.
6. It is, however, clarified that none of the observations made above shall be taken to be an expression on merits of the main case.

2.8.2021

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No