

CRM-M-28056-2020 (O&M)
CRM-M-31650-2020 (O&M)

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

CRM-M-28056-2020 (O&M)
Decided on: 16.02.2021

SUKHDEEP SINGH

.....Petitioner

Versus

STATE OF PUNJAB AND ANR

.... Respondents

CRM-M-31650-2020 (O&M)
Decided on: 16.02.2021

GURPREET SINGH AND ANR.

.....Petitioners

Versus

STATE OF PUNJAB

.... Respondent

CORAM: HON'BLE MR. JUSTICE H.S. MADAAN

Present: Mr. Brijeshwar Singh Bhalla, Advocate
for the petitioner(s),

Mr. J.S. Ghuman, DAG, Punjab.

Mr. Devinder Singh, Advocate
for Mr. Aayush Gupta, Advocate
for the respondent No.2/complainant in CRM-M-28056-2020.

H.S. MADAAN, J (ORAL)

My this order shall dispose of two petitions for grant of anticipatory
bail bearing CRM-M-28056-2020 filed by Sukhdeep Singh and CRM-M-31650-
2020 filed by Gurpreet Singh, Iqbal Singh and Simranjit Singh, since all of them
have been booked in FIR No. 140, dated 27.08.2020, under Sections 408,

420, 120-B of Indian Penal Code, 1860, registered at Police Station Jamalpur, District Ludhiana.

Briefly stated the facts of the case as per prosecution story are that accused No.1-Mr. Gurpreet Singh Mangat was appointed as Manager in Technical Department of the company and accused No.2-Simranjit Singh was appointed as Assistant Manager in Sales Department and accused No.3-Iqbal Singh was appointed as Executive in Technical Department whereas accused No.4-Sukhdeep Singh was appointed as Accountant with the complainant-M/s. Originative Solutions Network Pvt. Ltd. having its Corporate Office at Street No.1, Opposite SBI Bank, Akal Sahahi Nagar, Mundian Kalan, Chandigarh Road, Ludhiana and they had undertaken not to directly or indirectly engage or associate themselves in any other business activity without the prior permission of the complainant/company and were bound to preserve the confidential information of the complainant/company. However, subsequently it came out that these employees along with their other accompanies were indulging in activities detrimental to the interest of the complainant-company causing loss in business and money to the former. On a formal written complaint filed by Sukhjinder Singh, being the Director of M/s Originative Solutions Network Pvt. Ltd. having its corporate office at Street No.1, Opposite SBI Bank, Akal Sahahi Nagar, Mundian Kalan, Chandigarh Road, Ludhiana an FIR No. 140, dated 27.08.2020, under Sections 408, 420, 120-B of Indian Penal Code, 1860, got registered at Police Station Jamalpur, District Ludhiana against the petitioner(s).

Apprehending their arrest in this case, petitioner(s) had approached the Court of Sessions at Ludhiana, for grant of pre-arrest bail.

Their such application moved in that regard was assigned to Addl. Sessions Judge, Ludhiana, who vide order dated 11.09.2020 dismissed the same. They have approached this Court craving for grant of similar relief, notice of which has been given to the State and State counsel has put in appearance. Complainant has also put in appearance through his counsel.

I have heard learned counsel for the petitioners, learned counsel for the complainant and learned State counsel besides going through the record.

When the instant petition was filed, the petitioner(s) were granted interim bail vide order dated 26.10.2020 with the direction to join the investigation which they have accordingly do so.

Learned counsel for the petitioners have contended that the petitioners have since joined the investigation in terms of the order passed by this Court on 26.10.2020; no recovery is to be effected from him, therefore, the present petition be accepted.

Learned State counsel on instructions from ASI Harjinder Singh, concedes the factum of petitioner having joined investigation further stating that custodial interrogation of the petitioners is not required since no recovery is to be effected from them. He has further informed that a cancellation report in the matter has been prepared on 17.12.2020 which has not been finally approved by the higher police officers as yet. Learned counsel for the complainant-company has contended that the petitioners do not deserve the concession of bail keeping in view the seriousness and gravity of allegations against them, but I find that keeping in view the circumstances and the statement made by the State counsel to the effect that

no recovery is to be effected from the accused and their custodial interrogation is not required and furthermore a cancellation report has been prepared in the matter, I find that petitions deserve to be accepted. Both the petitions are allowed.

Interim bail granted to the petitioners vide order dated 26.10.2020 is made absolute, subject to the following conditions:-

- (i) they shall join the investigation as and when so directed.
- (ii) they shall appear in the Court on each and every date of hearing.
- (iii) they shall not give any threat or intimidation to the prosecution witnesses.
- (iv) they shall not leave India without prior permission of the Court.
- (v) they shall surrender their Passports before the Investigating Officer and if they are not having Passports then they shall file the affidavits in that regard.

In case the petitioners violate any term and condition on which the bail has been granted to them, the prosecution would be entitled to apply for cancellation of bail.

(H.S. MADAAN)
JUDGE

16.02.2021
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Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No