

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

201

CRM-M-45683-2019

Date of Decision: 09.08.2021

Sukhwinder Singh @ Sukh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. H.S.Sandhu, Advocate, for
Mr. D.S.Sandhu, Advocate, for the petitioner.

Mr. Saurav Khurana, DAG, Punjab,
assisted by ASI Dilbag Singh.

(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 against him vide FIR No.146 dated 19.09.2019 at Police Station Sirhali, District Tarn Taran, under Sections 420/408/120-B IPC.
2. The FIR in question was lodged at the instance of Avan Kumar, partner of Vikram Bharat Gas Agency, Sarhali, wherein it is alleged that he had appointed Kuldeep Kaur wife of Sukhwinder Singh on his agency as Manager. It is further alleged that Kuldeep Kaur and her husband and other family members and one Angrej Singh, who is employee of Electricity Board, in connivance with other employee of the agency as well as distributor committed fraud. It is further alleged that they misappropriated heavy amount

i.e. crores of rupees by selling gas cylinders and also misappropriated amount of daily sales as a result of which the agency has suffered loss of crores of rupees.

3. At the time of issuance of notice of motion on 29.10.2019, this Court passed the following order:

“It is contended by learned counsel for the petitioner that the allegation, if at all the same can be raised, that can be against the wife of the petitioner, who was employed with the gas agency of the complainant. So far as the petitioner is concerned, he has no concern with the said gas agency. The petitioner is a farmer by vocation. The complainant or the Police does not have any material to support the allegation against the petitioner or to show his participation, in any manner, with the alleged crime.

Notice of motion for 25.03.2020.”

4. While the learned State counsel has informed that the petitioner has joined investigation, but has opposed the application on the ground that the petitioner is hands in glove with his wife for the purpose of defrauding the complainant of crores of rupees. However, to a specific query put by this Court to the learned State counsel, as to whether the petitioner was also employed in the Gas Agency i.e. Vikram Bharat Gas Agency, Sarhali of which the complainant is a partner, the learned State counsel fairly stated that it is only the petitioner's wife, who is working as a Manager in the said Gas Agency and that the petitioner is not employed in the same.
5. In view of the aforestated position, this Court finds that since the petitioner is not employed in the Gas Agency, it is rather difficult

to attribute the alleged misappropriation of the crores of rupees to the petitioner. In any case, since the petitioner is already stated to have joined investigation, his custodial interrogation is not required. The petition, as such, is accepted and the interim directions issued by this Court vide order dated 29.10.2019 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.

09.08.2021

Vimal

**(GURVINDER SINGH GILL)
JUDGE**

Whether speaking/reasoned: **Yes/No**
Whether reportable: **Yes/No**