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

CRM-M-6841-2022

Date of Decision: 28.07.2022

Gursharan Singh alias Dua

..... Petitioner

Versus

State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Prabhjot Singh Waraich, Advocate,
for the petitioner.

Mr. Davinder Bir Singh, DAG, Punjab.

Mr. Daljeet Singh Virk, Advocate,
for respondent No.3.

JASGURPREET SINGH PURI, J. (ORAL)

The present petition has been filed under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail to the petitioner in case bearing FIR No.0004 dated 24.01.2022, under Sections 420, 465, 467, 468, 471 & 120-B of the IPC, registered at Police Station Harike, Tarn Taran.

Learned counsel for the petitioner has submitted that in pursuance of the order passed by this Court on 02.03.2022, whereby the petitioner was granted interim bail, the petitioner has already joined the investigation and he is fully cooperating with the investigation process. It is a case where the petitioner has been falsely implicated only due to professional rivalry. He further submitted that the petitioner was promoted as Vice President of the company in the year 2021 and before that he was a Cluster Head. So far as the

complainant is concerned, he was earlier Vice President of the company from the year 2015 and there was a professional rivalry between the petitioner and the complainant. He also submitted that the allegations against the petitioner were that he in connivance with some persons got fabricated the Aadhar Cards and some other documents by which those persons have taken loan from the company in which the petitioner himself was the Vice President but in fact the entire story was a concocted story and the petitioner himself being a Vice President of the company and having a higher position of the company could not have done this kind of fraud and it was only because of the professional rivalry, the present FIR was lodged. He further submitted that even otherwise also, the petitioner has already joined the investigation and the entire prosecution is now based upon the documentary evidence and all the documents are now in the possession of the police, and therefore, the interim bail granted to the petitioner may be made absolute.

On the other hand, Mr. Davinder Bir Singh, learned Deputy Advocate General, Punjab, has stated on instructions from SI Tarsem Singh that it is correct that in pursuance of the orders passed by this Court on 02.03.2022, the petitioner has already joined investigation. However, he has opposed the grant of anticipatory bail to the petitioner on the ground that the petitioner has not cooperated with the investigation process and has not disclosed to the police as to who are those persons, who had disbursed loan on the basis of the fabricated Aadhar Cards.

Mr. Daljeet Singh Virk, Advocate has caused appearance on behalf of the complainant and has opposed the bail on the same lines as stated by the learned State counsel.

I have heard the learned counsel for the parties.

The petitioner was granted interim bail by this Court on 02.03.2022 and as per the learned State counsel, the petitioner has joined the investigation. The only objection raised by the learned State counsel as well as by the learned counsel for the complainant was that the petitioner has not disclosed as to who are those persons, who got the loan from the company on the basis of fake Aadhar Cards. However, on the other hand, the learned counsel for the petitioner has stated that the petitioner himself was the Vice President of the Company and he was not at all involved with the offence and he does not know about those persons.

This Court is of the view that the entire case appears to be based upon the documents, which according to the learned counsel for the parties are already with the police and it is yet to be ascertained that as to whether the petitioner was instrumental or conniving with those persons, who had taken the loan on alleged fake Ids or Aadhar Cards. The liberty of a person cannot be jeopardised on the basis of such kind of objection raised by learned counsel for the respondents. Consequently, this Court is of the view that the present petition deserves to succeed, therefore, the present petition is allowed and the order dated 02.03.2022 is hereby made absolute.

However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is only meant for the purpose of decision of present petition.

28.07.2022

Bhumika

(JASGURPREET SINGH PURI)
JUDGE

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| 1. Whether speaking/reasoned: | Yes |
| 2. Whether reportable: | Yes/No |