

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(223-3)

CRM-M-12222-2022

Date of decision: - 22.11.2022

Sumit Singla

....Petitioner

Versus

State of Punjab

.....Respondents

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. Naveen Bawa, Advocate, for the petitioner.

Mr. Tarun Aggarwal, Sr. DAG, Punjab.

Mr. Vivek Salathia, Advocate, for the complainant.

VIKAS BAHL, J. (ORAL)

This is the first petition under Section 438 of Cr.P.C. for grant of anticipatory bail to the petitioner in case FIR No.31 dated 04.02.2020, under Section 420 IPC (Sections 465, 467, 468, 471 and 120-B IPC have been added later on), at Police Station Division No.7, District Ludhiana.

On 24.03.2022, this Court was pleased to pass the following order:-

“Learned counsel for the petitioner inter alia contends that in the present case, although the petitioner was named in the FIR but he was not made an accused. It is further submitted that all the allegations with respect to deposit of money in various accounts are against Manish Singla co-accused and not against the present petitioner. It is contended that vague allegations have been levelled against all the accused with respect to handing over the cash, regarding which, there is no proof. It is further contended that the petitioner has been implicated after a period of 1 year and 11 months

on the basis of DDR dated 29.01.2022 and even as per the said DDR, there is no specific allegation against the present petitioner. It is argued that the cheque amounting to Rs.40,00,000/- was also issued by Manish Singla and not by the present petitioner and a complaint under Section 138 of the Negotiable Instruments Act, 1881 (hereinafter to be referred as "the Act of 1881") has already been filed against the same and the present petitioner is not a party to the said proceedings. It is further argued that the case of the complainant in proceedings under Section 138 of the Act of 1881 is that an amount of Rs.40,00,000/- is due whereas the disputed amount in the present case swells to Rs.1,51,20,000/- in the present case. It is further contended that a perusal of the report under Section 173 of Cr.P.C. would show that with respect to an amount of Rs.1,10,00,000/- which is alleged to have been paid in cash, there is no documentary proof. It is further stated that co-accused of the petitioner namely Neha Singla and Deepika Singla have already been granted interim protection by this Court vide order dated 16.03.2022 passed in CRM-M-11176-2022 and the said case is now fixed for 26.05.2022.

Notice of motion.

On asking of the Court, Mr. Sukhbeer Singh, AAG, Punjab appears and accepts notice on behalf of State of Punjab and Mr. Vivek Salathia, Advocate appears on behalf of the complainant and seek time to get instructions.

Adjourned to 26.05.2022.

In the meantime, in the event of arrest, the petitioner shall be released on interim bail subject to his furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438(2) Cr.P.C.

Learned counsel for the complainant would be at liberty to place on record any document in order to show the specific involvement of the present petitioner in the case.

To be heard alongwith CRM-M-24722-2021.

(VIKAS BAHL)
JUDGE

24.03.2022"

Learned counsel for the petitioner has submitted that in pursuance of the above-said order, the petitioner has joined the investigation.

Learned State counsel, on instructions from ASI Sukhdev Singh, has submitted that the petitioner has joined the investigation and is not required for further investigation.

Keeping in view the abovesaid facts and circumstances more so, the facts which have been noticed in abovesaid order dated 24.03.2022 and also the fact that the petitioner has joined the investigation and is not required for further custodial interrogation, the present petition is allowed and the interim order dated 24.03.2022 is ordered to be made absolute.

However, nothing stated above shall be construed as a final expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail application.

November 22, 2022
naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No