

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

**CRM-M-47911-2021
Date of decision: 25.02.2022**

Kamaldeep Singh**...Petitioner**

Versus

State of Punjab**...Respondent****CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN**

Present:- Mr. H. S. Dhindsa, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

Mr. P. S. Punia, Advocate
for the complainant.

(Through video conferencing)

ARVIND SINGH SANGWAN, J. (Oral)

The petitioner prays for grant of anticipatory bail in FIR No.456 dated 31.12.2020, both registered under Sections 420, 120-B IPC and Section 24 of Immigration Act, at Police Station Division No.8, Police Commissionerate Ludhiana.

The operative part of the order dated 16.11.2021, vide which the petitioner has been granted interim bail, is reproduced below:

“Learned counsel for the petitioner submits that wife of the petitioner, namely Manmeet Kaur has already been granted the concession of anticipatory bail in both the aforesaid FIRs vide orders dated 28.09.2021 passed in CRM-M-31087-2021 and CRM-M-33391-2021. It is further submitted that as per allegations in the FIR, in May, 2019, a deal was struck between the petitioner and complainant side to send family members of the

complainant abroad and for that purpose, amount was transferred in the bank account of the petitioner. It is further submitted that in fact, amount was not paid as a part of any deal to send the complainant side abroad; rather it was on account of transfer of assets of Umeed Consultants India Pvt. Ltd., Ludhiana and in pursuance thereof, an application was made by complainants Balwinder Singh, father of Alisha Mohan and Pushpinder Singh Mohan and on the same, resolution was passed in the Board of Directors of the company inducting Alisha Mohan and Pushpinder Singh Mohan as Directors of the company. It is also submitted that the amount received by the petitioner was, in fact, in lieu of the entire assets of the company including goodwill and had there been any occasion, six months prior to induction of the complainant side as Directors of Umeed Consultants India Pvt. Ltd., Ludhiana, they would have immediately report the matter to the police regarding cheating, if any and the very fact that from May, 2019 till December, 2020, Alisha Mohan and Pushpinder Singh Mohan were inducted as Directors, would show that the deal was only for this purpose.

Learned counsel has relied upon Board Resolution, letter of appointment, Form DIR-32 and Trade Marks Registration etc., to submit that even as on today, Alisha Mohan and Pushpinder Singh Mohan are Directors in the company. It is submitted that dispute is not with regard to sending of any person abroad and it is, in fact, on account of transfer of assets of the company by the petitioner to the complainant side.

Notice of motion.

On asking of the Court, Mr. Joginder Pal Ratra, DAG, Punjab accepts notice on behalf of the respondent-State while Mr. P.S. Punia, Advocate has appeared on behalf of the complainant(s).

Learned State counsel, assisted by learned counsel for the complainant(s), has argued that in fact, an amount has been transferred in account of the petitioner, however, existence of the documents like letter issued by Alisha Mohan regarding Board Resolution except resignation of Manmeet Kaur, wife of the petitioner, as Director as well as Form DIR-32 inducting Pushpinder Singh Mohan as Additional Director of the company and subsequent resolution appointing Chartered Accountant etc. would show that management of the company is now being operated by the complainant side, therefore, it will be a matter of trial whether the amount paid to the petitioner was on account of sending someone abroad or transfer of assets of the company including goodwill.

List again on 25.02.2022.”

Learned counsel for the petitioner submits that the petitioner, in pursuance to the order dated 16.11.2021, has already appeared before the SHO/Investigating Officer and has joined the investigation.

Learned counsel for the State, on instructions from ASI Ram Krishan, assisted by learned counsel for the complainant, has not disputed the factual position and submits that the petitioner has joined the investigation and is no more required for any further investigation.

In view of the above, the petition is allowed and the interim bail granted to the petitioner, vide order dated 16.11.2021, is made absolute subject to the conditions envisaged under Section 438(2) Cr.P.C.

25.02.2022

Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No