

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

CRM-M-3178-2023

Date of decision: 18th April, 2023

Gurdeep Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. T.P.S. Tung, Advocate for the petitioner.
Mr. I.S. Mann, DAG, Punjab.

AVNEESH JHINGAN, J (Oral):

1. This second petition is filed seeking regular bail in FIR No. 81, dated 21st April, 2021, under Sections 406, 420 and 120-B of Indian Penal Code, 1860, registered at Police Station City Gurdaspur, District Gurdaspur. Earlier petition was dismissed as withdrawn on 3rd August, 2022.

2. Learned counsel for the petitioner claims parity with co-accused Arun Kumar who was granted interim bail by this court on 8th July, 2021.

3. On 8th July, 2021, the following order was passed by this Court

“The case has been taken up for hearing through video conferencing.

Learned counsel for the petitioner contends that the petitioner is not the main accused. One Ravinder Singh Sidhu is the Chief Managing Director of KIM Infrastructures and Developers Limited and Nector Commercial Estate Limited Company. Kamaljit Singh Bal is the Administrative Director of the Company. Both the aforesaid persons have already been arrested and they are in judicial custody. Petitioner was appointed as an Accountant in the Company on 01.05.2010 and he worked upto 01.07.2015. He dis-associated himself from the Company w.e.f. 01.07.2015 and his resignation letter

was accepted on 31.08.2015 and was also issued a reliving certificate of the even date. Petitioner is neither the Director nor responsible person for day to day affairs of the Company. No specific allegation has come forth vis-a-vis complicity of the petitioner, except to allege that accused No.13 and 14 used to collect money on behalf of respondents No.1 to 12. Notice of motion for 27.09.2021.

In the meanwhile, petitioner is directed to appear before the SHO/Investigating Officer to join investigation on 14.07.2021 at 11.00 A.M. and in the event of his arrest, he shall be enlarged on interim bail, subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of Arresting Officer. However, petitioner shall abide by the conditions as envisaged under Section 438(2) Cr.P.C. Nothing expressed hereinabove shall be construed to be an opinion in the merits of the case. The case shall be decided on the merits on the adjourned date. The State is directed to file status of investigation by the adjourned date.”

- 4.Learned counsel for the State though opposes the prayer for grant of bail. On instructions, he is not in a position to distinguish the case of the petitioner qua the co-accused so far as grant of bail is concerned.
- 5.Without commenting on the merits of the case, on the basis of parity of petitioner vis-a-vis co-accused so far as grant of bail is concerned and though the investigation is complete conclusion of trial is likely to take time, the petitioner is granted bail subject to his furnishing bail bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.
- 6.The petition is allowed.
- 7.However, it is clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

[AVNEESH JHINGAN]JUDGE

18th April, 2023Parveen Sharma

1. Whether speaking/ reasoned: Yes / No2. Whether reportable: Yes / No