

284-1 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-2902-2023
Date of decision: 11.12.2023

ROHIT

...PETITIONER

V/S

STATE OF UT CHANDIGARH

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Munish Gupta, Advocate and
Mr. Anil Saini, Advocate for petitioner.

Mr. Akashdeep Singh, Addl. PP UT Chandigarh.

Mr. Vivek Aggarwal, Advocate for the complainant.

HARPREET SINGH BRAR J. (ORAL)

Through instant petition, the petitioner is seeking anticipatory bail in case FIR No. 65 dated 15.10.2022 registered under Sections 408, 420, 467, 468, 471, 120-B of Indian Penal Code at Police Station Sector-19, Chandigarh.

2. On 19.01.2023, following order was passed:

“Present petition has been filed under Section 438 of Cr.P.C., praying for anticipatory bail to the petitioner in case bearing FIR No. 65 dated 15.10.2022 under Sections 408, 420, 467, 468, 471, 120-B of the Indian Penal Code at Police Sector-19, Chandigarh.

Allegations against the petitioner are that he along with co-accused Kulwinder Singh, the then AVP Finance in the company, in connivance with each other, led the company to huge losses and it was also alleged that Kulwinder Singh promoted the petitioner by creating forged and fabricated documents.

Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present FIR, at the instance of complainant, who is one of the Directors of M/s Kare Partners Group India Pvt. Ltd. It is contended that petitioner was appointed to look after the finance related issues of the company and co-accused Kulwinder Singh was holding superior post than the petitioner i.e

Assistant Vice President (Finance). Learned counsel contends that being junior to the co-accused, petitioner was to follow the orders and instructions of the co-accused, being part of petitioner's job. It is further contended that one letter was electronically scanned and forwarded by way of e-mail on 11.04.2020 used as genuine one despite being a forged document and the said e-mail was forwarded from the e-mail ID of the petitioner along with attachment letter containing the forged signatures of the complainant. Thus, the learned counsel prays for grant of anticipatory bail to the petitioner as co-accused Kulwinder Singh, who is senior to the petitioner in the Company, has already been granted interim anticipatory bail by a Co-ordinate Bench of this Court vide order dated 18.11.2022 (Annexure P-3) and submits that no custodial interrogation of the petitioner is required as nothing is to be recovered from him and he is ready to join the investigation.

Notice of motion.

Mr. Akashdeep Singh, Addl. PP UT Chandigarh, who is present in the Court, accepts notice on the asking of the Court.

Adjourned to 17.04.2023.

Meanwhile, in the event of arrest, the petitioner is ordered to be released on interim bail on his furnishing personal bonds and surety bonds 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."

3. Learned State counsel on instructions from SI Jai Bhagwan submits that in compliance of order dated 19.01.2023 passed by this Court, the petitioner has joined the investigation and is not required for further custodial interrogation.

4. Keeping in view the statement made by learned State Counsel the order dated 19.01.2023, is made absolute. The petitioner shall abide by the terms and conditions enumerated in Section 438(2) Cr.P.C.

5. The petition is accordingly allowed.

6. Nothing observed hereinabove shall be construed as expression of

opinion of this Court on merits of the case and trial Court shall proceed without being prejudiced by observations of this Court.

December 11, 2023
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(HARPREET SINGH BRAR)
JUDGE

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|------|---------------------------|--------|
| (i) | Whether speaking/reasoned | Yes/No |
| (ii) | Whether reportable | Yes/No |