

284-2 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-53411-2022

Date of decision: 11.12.2023

KULWINDER SINGH

...PETITIONER

V/S

U.T ADMINISTRATION, CHANDIGARH

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr.Kanav Singla, Advocate with
Ms. Savita Bhandari, Advocate for the petitioner.
Mr. Akashdeep Singh, Addl. PP UT Chandigarh.
Mr. Vivek Aggarwal, Advocate for the complainant.

HARPREET SINGH BRAR J. (ORAL)

1. 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 18.11.2022, following order was passed:

“Learned counsel for the petitioner has submitted that it is a case where the allegations were pertaining to a financial dispute raised by the complainant who was the Managing Director of the company and so far as the present petitioner namely Kulwinder Singh is concerned, he was initially appointed to the position of the Manager (Finance) in the year 2016 and later on he was promoted as Assistant Vice President (Finance). He has further submitted that there were four allegations in the present case qua the present petitioner. Firstly, that the petitioner had raised the salary of the other coaccused namely Rohit to Rs.12,00,000/- per annum without the consent of the Managing Director, secondly, the petitioner was instrumental in deferment of interest during the Covid-19 period in excess of the amount, thirdly, the limit of the bank for the purpose of loan which was to be paid by the bank to the company was also enhanced without any sanction and lastly, huge GST and provident fund amount was not deposited in time.

Learned counsel submitted that so far as the GST and the provident fund is concerned, the entire amount stands deposited although for some period of time, there was a deferment. He submitted that so far as the raising of the limit of the bank is concerned, the loan was to be given by the bank to the company and the petitioner cannot be said to be any beneficiary of the amount. She further submitted that so far as the other two allegations are concerned, that the petitioner could not have raised the salary himself and that was done by the company itself. It was only because a dispute had arisen between the petitioner and the complainant that thereafter the present FIR was lodged to pressurize the petitioner.

Notice of motion.

Mr. Akashdeep Singh, learned Additional Public Prosecutor accepts notice on behalf U.T. Chandigarh and he has submitted that it is a case where the FIR was lodged because the petitioner has committed a forgery by forging the letters for the purpose of enhancement of salary of Rohit, deferment of interest and limit of bank and because of this reason, the present FIR was registered against the petitioner.

On a query being raised to the learned State counsel, as to whether they are in possession of all the aforesaid documents on the basis of which they are alleging forgery, he has submitted that the police is in possession of all the documents and the documents are yet to be got compared from the FSL. He has prayed for some time to file an affidavit in the present case.

Let the affidavit be filed before the next date of hearing, with an advance copy to the learned counsel for the petitioner.

Adjourned to 17.04.2023.

Meanwhile, the petitioner is directed to appear before the Arresting/Investigating Officer and join the investigation and thereafter also as and when called upon to do so. In the event of arrest, the petitioner shall be released on interim bail subject to furnishing personal bond/surety bond to the satisfaction of Arresting/Investigating Officer. The petitioner shall abide by all 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 18.11.2022 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 18.11.2022, 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 |