



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-46981-2024
DECIDED ON: 20.09.2024

RAMANDEEP SINGH

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Ms. Priyanka Sharma, Advocate for
Mr. Simranjit Singh, Advocate
for the petitioner.

Mr. Jaspal Singh Guru, AAG, Punjab.

SANDEEP MOUDGIL, J (ORAL)

1. Relief sought

The jurisdiction of this Court has been invoked under Section 482 BNSS, 2023 for grant of anticipatory bail to the petitioner in FIR No.72, dated 04.08.2023, under Sections 420, 465, 467, 468, 471 IPC and Section 66(D) of Information Technology Act, 2000, registered at Police Station Jodhewal, District Police Commissionerate Ludhiana.

2. Prosecution story setup in the present case as per the version in the FIR as under:-

“At this time application PGD No. 198067/201171 dated 18-7-2023 from Davinder Singh son of Baldev Singh resident of House No. 14-15, Green City Tharika Ludhiana, was received through Post for registration of FIR in the office of Commissioner Police Ludhiana. The contents of the application is as under, Sir, Commissioner

of Police, Ludhiana. Subject: Misappropriation of Funds by the Company. I, Davinder Anil Kumar Pandey 2024.01.29 16:36 TRUE SCANNED COPY OF THE i singh Sindhu Director M/S Davinder Sandhu Impex Pvt.Ltd. Gehlewal am giving complaint against HR Harsh Yadav of our company, who was working for the last two years, whose job included making the salary of the laborers and depositing the salary in their account was his work. HR Yadav by opening the fake account of the company misused the money of the company This person ran away from his house along with his family from 17-7-2023 and all his mobile phones have been switched off. Please seal his bank account and help us in tracing him. Yours sincerely Sd/- Davinder Singh Sidhu for Davinder Sandhu Impex Pvt. Ltd.”

3. **Contention**

On behalf of the petitioner

Learned counsel for the petitioner contends that the petitioner was not initially named in the instant FIR but was subsequently nominated as an accused only on the basis of disclosure statement of co-accused Harsh Yadav. She further contends that the co-accused Harsh Yadav named the present petitioner only with an ulterior motive to put pressure who had ill intent of not refunding the amount which was taken loan from the present petitioner to the tune of Rs.5,50,000/- though he returned approximately Rs.3 lacs out of the said amount. In that regard, learned counsel for the petitioner has relied upon bank details (Annexure P-2) to show that the loan was advanced by the petitioner to co-accused Harsh Yadav through bank transaction and out of the total amount, Rs.2,50,450/- was returned by co-accused Harsh Yadav through bank account and Rs.50000/- in cash. She

further contends that the co-accused Harsh Yadav has been granted the concession of bail by this Court vide order dated 05.08.2024 passed in CRM-M-4802-2024.

Apart from that, it is also pressed into the argument that the petitioner is a person of clean antecedents and is working as an HR in the company.

On behalf of the State

Learned State Counsel appearing on advance notice, on instructions from ASI Balkar Singh, opposes the prayer for grant of anticipatory bail by urging that the petitioner helped the co-accused Harsh in opening bank accounts in certain names using fake identities of the employees of the company and in one of those bank accounts, the mobile phone of present petitioner has been linked.

4. **Analysis**

Be that as it may, having given considerable thought to the fact that connecting the mobile phone of the petitioner to one of the accounts would also raise a question in the mind of this Court and for the investigating agency to inquire into that as to why only in one account the mobile phone of the petitioner has been linked if the petitioner is actually involved along with co-accused Harsh Yadav in opening of such bank accounts otherwise also it is coming on record that co-accused Harsh Yadav has a financial dealing with the present petitioner as averred and is evident from bank account statements wherein he firstly receive an amount of Rs.5,50,000/- in his bank from the petitioner and thereafter, he has returned Rs.2,50,450/- through bank transaction alone which puts weight in the argument of the petitioner that some loan was advanced to the co-accused

Harsh Yadav by the petitioner, who might now be having intent of not returning the balance amount and, therefore, to save his own skin having used certain bank accounts has named the present petitioner.

However, all these discussed circumstances gives some benefit of doubt to the petitioner but he needs to be interrogated though custodial interrogation of his may not be required at this stage since it is only the bank accounts and certain documents which are to be examined to the effect that who actually facilitated the opening of such bank accounts and fishing out money of the company in those bank accounts.

5. **Decision**

In the light of aforesaid facts and circumstances, this Court finds no reason to decline the anticipatory bail to the petitioner.

Hence, the petitioner is directed to be released on anticipatory bail subject to her joining investigation with the Investigating Officer concerned within a period of 10 days from today, on furnishing of personal/surety bonds to his satisfaction. The petitioner shall also abide by the terms and conditions as envisaged under Section 482(2) of BNSS, which are reproduced below:-

‘When the High Court or the Court of Session makes a direction under sub-section (1), it may include such conditions in such directions in the light of the facts of the particular case, as it may think fit, including-

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

- (iii) a condition that the person shall not leave India without the previous permission of the Court;
- (iv) such other condition as may be imposed under sub-section (3) of section 480, as if the bail were granted under that section. ’

However, it is made clear that in case the petitioner does not comply with the aforesaid direction of joining the investigation within a period of 10 days, the order passed by this Court today shall automatically stands cancelled.

In the aforesaid terms, the present petition stands allowed.

20.09.2024

Poonam Negi

(SANDEEP MOUDGIL)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No