

In the High Court for the States of Punjab and Haryana  
At Chandigarh

CRM-M-47800-2024 (O&M)  
Date of Decision:-17.12.2024

Rachpal Singh ... Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Edward Augustine George, Advocate for the petitioner.  
  
Mr. Japjot Singh, AAG, Punjab.  
  
Mr. Kanwaljit Singh, Senior Advocate with  
Mr. Navyug Geet Brar, Advocate for the complainant.

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| FIR No. | Dated     | Police Station               | Under Section/s               |
|---------|-----------|------------------------------|-------------------------------|
| 265     | 25.6.2024 | Zirakpur, District SAS Nagar | 408, 420 of Indian Penal Code |

GURVINDER SINGH GILL, J.(Oral)

1. The petitioner seeks grant of anticipatory bail in respect of the  
aforementioned FIR.
2. At the time of issuance of notice of motion, the following order was passed  
on 16.10.2024:

“Learned counsel for the petitioner submits that the petitioner had  
worked with the complainant for 25 years. The license of the  
petitioner was being used by the complainant for the business



purposes and when petitioner expressed his desire to leave the complainant and to start his own business, the complainant refused to release the licenses of the petitioner and started deducting amount from the salary of the petitioner. He further submits that the complainant himself in order to increase his profits used to exaggerate the claim of promotional schemes sent to the stockiest/distributors and the discrepancies were due to the complainant's own fraudulent activities. The petitioner is ready to join the investigation.

Status report by way of an affidavit of Jaspinder Singh, PPS, Deputy Superintendent of Police, Sub Division Zirakpur, District SAS Nagar (Mohali) has been filed and the same is taken on record.

Learned counsel for the complainant has filed his Vakalatnama in the Court and the same is taken on record. He has also filed a short reply by way of affidavit and the same is taken on record.

Learned State counsel and learned counsel for the complainant have opposed the bail to the petitioner. It has been submitted that the petitioner is an employee who misappropriated the amount of the complainant-firm running into lacs of rupees. Petitioner himself was managing all the accounts. He started creating bogus entries, manipulating the bills and even the salary details of the employees. Due to acts of the petitioner, the complainant was imposed penalty of Rs. One crore, out of which, Rs. 50 lacs has already been deposited. Since the petitioner was showing himself as a loyal worker, so he was named as a competent person before the government authorities helping in running the distributorship. On coming to know that he has committed the criminal breach of trust, his name was got removed as competent person. The petitioner never informed the complainant about the running of his own firm in the same vicinity while working with the complainant and he himself has admitted in petition that he has been running his own firm while working with the complainant.

List on 17.12.2024.



No doubt the complainant had earlier been running business and the license under Drugs and Cosmetics Act showing petitioner as a competent person and petitioner had worked with the complainant for 25 years so apparently dispute is between employer and employee. The case is based on documentary evidence.

Keeping in view the aforesaid facts, the petitioner is directed to join the investigation as and when called by SHO/Investigating Officer and in the event of his arrest, he shall be released on interim bail on his furnishing bail bonds and surety bonds to the satisfaction of SHO/Investigating Agency, subject to the following conditions as envisaged under Section 482(2) of BNSS:-

(i) that the petitioner shall make himself available for interrogation before the investigating officer as and when required:

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

(iii) that the petitioner shall not leave the country without prior permission of the Court concerned.”

3. Learned State counsel, upon instructions from the Investigating Officer, has informed that pursuant to interim directions issued by this Court on 16.10.2024, the petitioner has since joined investigation and he is not required for any custodial interrogation.
4. Having regard to the aforestated position, wherein the petitioner is stated to have joined investigation and is not required for any custodial interrogation, the petition is accepted and the interim directions issued by this Court vide order dated 16.10.2024 are hereby made absolute, subject to the condition



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that the petitioner shall join investigation as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 482 BNSS.

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|----------------------------|--------------------------|
| 17.12.2024                 | ( Gurvinder Singh Gill ) |
| geeta                      | Judge                    |
| Whether speaking /reasoned | Yes / No                 |
| Whether Reportable         | Yes / No                 |