



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

104

CRM-M-3512-2025

DATE OF DECISION: 22.01.2025

VIVEK KUMAR ALIAS GUDDU

...PETITIONER

Versus

STATE OF PUNJAB

... RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Kapil Khanna, Advocate for the petitioner(s).
Mr. Jaspal Singh Guru, AAG, Punjab.

SANDEEP MOUDGIL, J (ORAL)1. Relief Sought

This petition has been filed under Section 482 of BNNS praying for anticipatory bail to the Petitioner in FIR No. 0119 dated 18.11.2024 under section 406, 420 of Indian Penal Code 1860 registered at police station Division No.4 District Jalandhar (Annexure P/1);

2. Prosecution story, set up in the present case as per the version in the FIR reads as under :-

‘With regard to application NO.1250-PTOO dated 13.05.2024 to the Hon'ble Police commissioner sahib Jalandhar against our company (waves associates compony shop no. 15 Hotel Regent Park Jalandhar) against our worker Vivek Kumar Alias Guddu Mobile No.9888160102 Resident of Ujala Nagar Bastisheikkh Near 6th Patshahi Gurudwara Jalandhar. Respected sir it most respectfully prayed that I Ranjeet Son of Tarsem Singh resident of 4424 dayal Nagar Jalandhar and



request that I am working on the post of supervisor at waves associates company shop No.15 Hotel Regent park Jalandhar. With regard to above subject our company worker Vivek Kumar Alias Guddu cheated our Company for around rupees 2,00,000/- regarding this the company came to know after been cheated and when came in knowledge then we dismissed him from work and after been thrown out of company we came to know that he cheated many other persons and he by taking motorcycle of Bajaj company from many clients and Ran away and now he switched off his mobile Phone, Kindly after doing enquiry in this regard to above subject, immediately take appropriate legal action against above worker Vivek Kumar Alias Guddu and take measure to gate recovered from him company's around Rs.2,00,000/-. Thanking you Yours faithfully Ranjeet son of Tarsem Singh.'

3. Contentions

On behalf of the petitioner

Learned counsel for the petitioner has argued that the petitioner has been falsely implicated in the present case as there is delay of one year in registration of the FIR as the petitioner had left the job in November, 2023 and the FIR has been registered on 18.11.2024. He submits that as per the allegations, the petitioner cheated the company for around Rs. 2 lakhs and has sold the stolen motorcycle to a third person. The petitioner was not dismissed from his job whereas the petitioner has left his job as a supervisor in M/s. Waves Associates due to a dispute qua salary for about three months. He further submits that there is no material evidence produced by the prosecution to connect the petitioner with the alleged offence. Therefore, prays for grant of anticipatory bail to the petitioner.



On behalf of the State

Learned State Counsel appearing on advance notice on instructions from Investigating officer vehemently opposes the prayer for grant of concession of anticipatory bail stating that the petitioner misappropriated the motorcycle collected by him from the customer and sold the same to third party, therefore for recovery of the motorcycle, the custodial interrogation of the petitioner is required.

4. **Analysis**

Be that as it may, after given a thoughtful consideration to the submissions as made, by the counsel for both the parties and keeping in view the fact that no date is coming forth in the FIR qua the commissioning of the alleged offence and there is no evidence as to how the petitioner committed the alleged offence of cheating to the tune of Rs. 2 lakhs and also considering the fact that the petitioner left the complainant company in November, 2023 after a dispute related to salary, therefore, probability of false implication cannot be denied in the present case, hence, this Court finds no reason to deny the petitioner the concession of anticipatory bail, wherein the petitioner has bona fide intentions and is willing to join the investigation and cooperate for furtherance of the same so that the final report can be submitted by the Investigating Agency within the stipulated time period.

5. **Decision**

Hence, in view of the admitted set of circumstances before this Court, the petitioner is hereby directed to be released on anticipatory bail subject to him joining investigation and reporting to the Investigating Officer concerned within a period of one week from



today, on furnishing of personal/surety bonds to the satisfaction of Arresting/Investigating Officer. The petitioner shall also abide by the terms and conditions as envisaged under Section 482(2) of BNSS of 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 one week, the order passed by this Court today shall automatically stand cancelled.

The petition in the aforesaid terms stand allowed.

(SANDEEP MOUDGIL)
JUDGE

22.01.2025
anuradha

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No