

CRM-M-41471-2024 (O&M) -1-

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-41471-2024 (O&M)

Date of Decision: 29.01.2025

Kulwinder Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Sandeep Godara, Advocate, for
Mr. APS Rehan, Advocate for the petitioner.

Mr. Mohit Kapoor, Sr. DAG, Punjab.

Mahabir Singh Sindhu, J.

Present petition has been filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') for grant of pre-arrest bail to the petitioner in FIR No.179 dated 03.08.2024 (P-1), under Sections 409, 420, 406 and 120-B of the Indian Penal Code, 1860 (for short 'IPC'), registered at Police Station Model Town, District Hoshiarpur.

2. Short reply by way of affidavit dated 28.01.2025 of Mr. Dev Dutt Sharma, PPS, Deputy Superintendent of Police, Sub Division City, District Hoshiarpur on behalf of respondent-State has been filed and the same is taken on record. Copy supplied to the other side.

Registry to tag the same at appropriate place.

3. Allegations are that petitioner alongwith his son Gurwinder Singh i.e. co-accused entered into an agreement with complainant to provide delivery services (under brand name of E-Cart) caused loss to the tune of Rs.26,81,048/- on account of misappropriation.

4. Contends that petitioner was granted interim bail by Coordinate Bench, vide order dated 03.10.2024 and in pursuance thereof, he has already



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joined the investigation; hence, his custodial interrogation is not required.

5. The above factual position is not disputed by learned State Counsel, on instructions from investigating officer.

6. Heard learned Counsel for the parties and perused the paper-book.

7. It transpires that petitioner was granted interim bail by the Coordinate Bench, vide order dated 03.10.2024 and the order reads as under:-

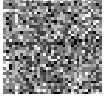
“Today, learned State counsel requests for more time to file reply.

This Court finds that two opportunities have already been afforded to the State to file reply.

The allegations, in nutshell, are to the effect that the complainant suffered a loss to the tune of Rs.26,81,048/- on account of misappropriation by the accused Kulwinder Singh and his son Gurwinder Singh, who had entered into an agreement to provide delivery services to the complainant. It is alleged in the FIR that upon audit of data, it was revealed that during the period from 23.04.2024 to 02.05.2024, co-accused Gurwinder Singh had taken shipment from the hub for the purpose of making deliveries and had embezzled the shipment as well as the cash collected from the customers in a planned manner.

Learned counsel for the petitioner submits that as a matter of fact it is petitioner’s son, who had been working in the Courier Company by the name M/s Insta Kart Services Pvt. Ltd. and that on account of some mis-match of accounts not only the petitioner’s son has been implicated, even the petitioner being father of Gurwinder Singh has been implicated.

Learned counsel further submitted that although the complainant claims that some agreement had been entered into between the petitioner and his son on one side and the complainant-Company on the other, but no such agreement had been signed by the petitioner.



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List again on 29.01.2025.

Meanwhile, in the event of arrest, the petitioner be released on interim bail subject to 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 cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C.

Reply, if any, be filed on or before the next date of hearing”.

8. It is duly acknowledged by learned State Counsel that in pursuance of the aforesaid order, petitioner has joined investigation and his custodial interrogation is not required.

9. In view of the above, there is no justification to deny the concession of pre-arrest bail to the petitioner. Consequently, present petition is allowed; interim order dated 03.10.2024 is made absolute subject to the conditions as envisaged under Section 482(2) of 'BNSS'.

10. It is also made clear that petitioner shall fully co-operate with the Investigating Officer as and when called for further investigation.

11. The above observations be not construed as an expression of opinion on merits of the case; rather confined only to decide the bail matter.

12. It is also clarified that in case of any recurrence on the part of petitioner, State would be at liberty to move an appropriate application for recalling of this order.

Pending application(s), if any, shall also stand disposed off.

29.01.2025

(MAHABIR SINGH SINDHU)
JUDGE