IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl. Misc.No. M-12225 of 2015
Date of decision: 17.04.2015

Jagpreet Singh @ Gurpreet Singh ....Petitioner(s)

Versus

State of Punjab ...Respondent(s)

CORAM: HON'BLE MR. JUSTICE G.S.SANDHAWALIA

Present: Mr. Arvind Kashyap, Advocate,
for the petitioner.

G.S.SANDHAWALIA, J. (Oral)

The petitioner seeks benefit of anticipatory bail in FIR No. 49 dated 15.03.2015 lodged under Sections 420/465/467/468/471/120-B IPC registered at P.S. Division No. 6, Industrial Area, District Ludhiana.

The complainant company M/s. V. Trans India Ltd., which is a transport company, has lodged the said FIR on the ground that the petitioner was the Branch Incharge of the said Local Office at Ludhiana. The local office used to hire trucks from third party transport companies and used to let it out to the customer at a profit and outsourcing was done by the local office for the truck used. Payment was made to the third party transport companies by the company in advance and later on, the customer used to pay to the company. The petitioner, alongwith the co-accused, hatched a conspiracy and showed fake and imaginary outsourcing of trucks from third party transport companies and used to make payment from the account of the company. Regular customers namely M/s. Kay Pee Industries and M/s. Souvenir International had never hired the trucks whereas it was shown that trucks had been hired by them and payments had been made from company's account in the name of fictitious third party transport companies. Obviously, the accused were beneficiaries. Accordingly, the FIR was lodged.

Counsel for the petitioner has submitted that the petitioner had resigned on 14.07.2014 and the complaint is filed thereafter. It is accordingly submitted that the resignation would not have been accepted if there was any dispute. The Additional Sessions Judge, Ludhiana has declined the bail vide order dated 06.04.2015 by noticing that the petitioner had opened an account in the fake name of Gurpreet Singh in the HDFC Bank as per the investigation and, therefore, created forged and fake documents and recovery is to be effected and custodial interrogation is required by the prosecution.

Various documents have been appended by the petitioner and bank account of one M/s. Kay Pee India, in which proprietor is shown as Gurpreet Singh and having bank account with HDFC has also been attached. The said statement shows that there have been various deposits from the complainant-company V. Trans India Ltd. and there have been cash withdrawals by the petitioner.

Counsel for the petitioner is not in a position to explain as to on what basis the petitioner, who was working as a Manager, has received payments from V. Trans India Ltd. in the name of M/s. Kay Pee India and, therefore, had withdrawn the huge amounts in cash as Gurpreet Singh, the proprietor. In such circumstances, the reasoning given to decline the benefit of anticipatory bail is well justified. The ingredients of offence are prima facie made out and once huge amounts have been siphoned off, it would not be appropriate to grant interim protection to the petitioner.

In such circumstances, no case is made out for anticipatory bail and the present petition is accordingly dismissed.

17.04.2015 (G.S. SANDHAWALIA)
shivani JUDGE