

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

Crl.Misc.No.M-15476 of 2015(O&M)

Date of Decision : 20.05.2015

Parveen Kumar

....Petitioners

Versus

State of Haryana

...Respondent

CORAM : HON'BLE MR.JUSTICE MAHESH GROVER

Present : Mr.Namit Khurana, Advocate for
 Mr. Sandeep Singh, Advocate for the petitioner

Mr. Pawan Girdhar, Addl. AG, Haryana with
Mr. Himmat Singh, AAG, Haryana

MAHESH GROVER, J.

The petitioner prays for grant of pre-arrest bail in terms of Section 438 Cr.P.C in case FIR no.347 dated 30.4.2015 registered under Sections 408, 420, 506 IPC at Police Station City Yamuna Nagar, District Yamuna Nagar.

The allegations against the petitioner are that he on various dates misappropriated the amount given by his employer by way of cheques intended for payment to the farmers.

Learned counsel for the petitioner contends that the first transaction alleged against is of 24.1.2015 and if he had misappropriated two cheques given on this date there was no occasion for the employer to give him another set of cheques after 10 days.

Learned State counsel on instructions from ASI Subhash Chand contends that the petitioner is involved in offence of mis appropriation to

the tune of Rs. 5 lacs.

On due consideration of the matter I am of the view that contention of the petitioner seems to be attractive. If an employer has been duped of some amount on 24.1.2015 there would be no occasion for him to give another cheque in a similar transaction after 10 days of the incident. It was not possible for him to place reliance on such a person. Therefore without commenting upon the merits of the case any further, the plea of petitioner's false implication seems to be worth acceptance. Consequently, present petition is accepted. It is directed that in the event of arrest the petitioner be released on bail subject to his compliance of provisions of Section 438(2) Cr.P.C.

Nothing said herein shall be construed to be an expression on the merits of the case.

May 20, 2015
rekha

(Mahesh Grover)
Judge