

214

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

CRM-M-18567-2015

Decided on: November 19, 2015.

BIREN KATARIA

.... Petitioner

Versus

STATE OF PUNJAB & OTHERS

... Respondents

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI

Present: Mr. P.K. Kataria, Advocate
for Mr. H.C. Arora, Advocate
for the petitioner.

Mr. K.S. Nalwa, Addl. Advocate General, Punjab.

Mr. R.K. Gupta, Advocate
for the complainant.

M.M.S. BEDI, J (ORAL)

This is a petition for cancellation of regular bail granted to respondent No.3, who had, during the course of his employment on the petrol pump owned by the petitioner, had misappropriated the amount. Respondent No.3 had allegedly forged the bills of various firms and made erroneous entries in the account books.

Respondent No.3 was an employee of the petitioner.

Learned counsel for the petitioner has submitted that the accused-respondent No.3 had obtained bail by concealing facts

from the Court. Learned counsel for the petitioner vehemently contended that the petitioner was ordered to be released on bail under Section 167 (2) Cr.P.C., from the Illaqa Magistrate without disclosing the fact that he had been granted concession of bail by this Court.

I have considered the facts of the case.

On asking of the Court, learned State counsel has stated that challan has already been presented in this case and after framing of charges on 21.08.2015, the case is now fixed for prosecution evidence for 23.11.2015.

Learned counsel for the petitioner submits that he has submitted certain complaints after respondent No.3 had been granted the concession of bail.

On asking of the Court, learned State counsel on the instructions of HC Vinod Kumar stated that security proceedings had been initiated on the basis of apprehension of breach of peace.

Taking into consideration the totality of the above said circumstances I am of the opinion that the circumstances in the present case do not warrant the cancellation of the bail as it appears that concession of bail has not been misused by the petitioner in any manner to prejudice the trial.

Dismissed.

(M.M.S. BEDI)
JUDGE

November 19, 2015

SwarnjitS