

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

CRM-M No.21565 of 2014.

Date of Decision: March 25, 2015.

Mukesh Kumar

....Petitioner.

VERSUS

State of Punjab

....Respondent.

CORAM: HON'BLE MRS. JUSTICE SNEH PRASHAR.

1. Whether the judgment should be reported in the digest? Yes/No
2. Whether to be referred to the Reporter or not? Yes/No

Present: Mr. R.S. Manhas, Advocate for the petitioner.
Ms. Simsi Dhir Malhotra, Deputy Advocate General, Punjab.
Mr. Rakesh Kumar Sharma, Advocate for the complainant.

SNEH PRASHAR, J.

A petition under Section 438 of the Code of Criminal Procedure (in short, "Cr.P.C.") for grant of anticipatory bail was filed by the petitioner in case First Information Report No.83 dated 12.06.2014 under Sections 420, 406, 465, 467, 468 and 471 of the Indian Penal Code (in short, "I.P.C.") registered at Police Station Division No.2, Pathankot.

2. The First Information Report, particulars of which have been mentioned above was registered against petitioner Mukesh Kumar on the complaint given by Shri Ram City Union Finance Limited through Deepak Bhardwaj, Assistant Branch Manager, which is a non banking financial

institution and is dealing in providing loans/finances for different purposes. Mukesh Kumar was appointed by the company as Executive-I Accounts on 29.02.2012 and since then was the Incharge of Cash and Accounts in the Pathankot Branch. Around three months back, the Accounts Department found some discrepancies in the Pathankot Branch in the gold loan account. An amount of Rs.3,44,445/- had been shown in the accounts of the company at Pathankot Branch but the same had not been deposited in the accounts. Mukesh Kumar was called upon to submit his explanation but he failed to do so. Subsequently, it was found that Mukesh Kumar had embezzled the amount of recovery in the two-wheeler loan accounts and had adjusted some amount fraudulently in the account of gold loan and rest was misappropriated by him. The challan and bank deposit receipts had also been forged by him.

3. Apprehending his arrest, the petitioner filed the instant petition for grant of anticipatory bail.

4. Heard the submissions made by Mr. R.S. Manhas, learned counsel representing the petitioner, Ms. Simsi Dhir Malhotra, Deputy Advocate General, Punjab and Mr. Rakesh Kumar Sharma, learned counsel representing the complainant.

5. Reply by way of an affidavit of Manoj Kumar, Deputy Superintendent of Police, City, Pathankot was filed by respondent no.1. Learned counsel appearing for State of Punjab submitted that the receipts of company in respect of amounts deposited by the agents after collection from different customers have been taken in possession by the police during

investigation. The company had written letter to Branch Manager of I.C.I.C.I. Bank Ltd. for verification of transactions deposited by the petitioner to the tune of Rs.2,37,882/- but the Branch Manager of the said Bank had made a statement that the receipts showing deposit of amount in the bank were forged. The deposit of Rs.2,98,939/- with the Punjab National Bank could not be confirmed so far but the said amount had also not been deposited in the accounts of the company. In the affidavit of Manoj Kumar, PPS, Deputy Superintendent of Police (City), Pathankot, number of the challans vide which the amount was shown to have been deposited with I.C.I.C.I. Bank and Punjab National Bank, but were found to be forged by the petitioner, have been mentioned.

6. Prima facie the allegation is that the petitioner being an employee of the complainant company had embezzled the amount which was in his official custody and was supposed to be deposited in the account of the company. As submitted by learned State counsel, recovery of the embezzled amount is to be made. The factum of forging of the challan/ receipts is also to be probed and for the said purpose custodial interrogation of the petitioner is required.

In view of the facts and circumstances of the case and without going into the merits, in my considered opinion, no ground for release of the petitioner on anticipatory bail is made out and the petition is dismissed.

(SNEH PRASHAR)
JUDGE

March 25, 2015
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