In the High Court of Punjab and Haryana at Chandigarh

CRM M-22616 of 2015
Date of Decision: July 22, 2015

Ramesh Kumar

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE PARAMJEET SINGH

Present: Mr. R.S. Tacoria, Advocate,
for the petitioner.

Mr. Harpartap Singh, Advocate,
for the complainant.

***Paramjeet Singh, J.* (Oral)**

Instant petition has been filed under Section 438 of the Code of Criminal Procedure for grant of pre-arrest bail to the petitioner in case FIR No. 38, dated 07.02.2015, under Sections 406, 420, 506, 120-B of the Indian Penal Code, registered at Police Station Sector 5, Panchkula.

Learned counsel for the petitioner has placed on record vernacular copy of letter dated 16.07.2015 issued by Deputy District Registrar, Firms & Societies, Jind, which is taken on record.

Learned counsel for the petitioner contends that petitioner is not a partner of the firm. Learned counsel further contends that petitioner had joined as a partner on 29.02.2012 and thereafter has ceased to be a partner on 21.08.2012. The petitioner had become partner again in the same very firm on 28.09.2013 and again ceased to be a partner w.e.f. 18.12.2013. He further contends that civil suit is pending with regard to transaction in question. Present FIR is a misuse of process of law. He further contends that house in question is in the name of wife of the petitioner, who has given a bank guarantee in the name of firm i.e. Friends Security Service. Learned counsel further contends that petitioner has not forged any document nor there is misappropriation of funds.

I have considered the contentions raised by learned counsel for the petitioner and perused the record.

Perusal of letter dated 16.07.2015 reveals that firstly the petitioner became a partner of the firm on 29.02.2012. Six months thereafter, he was shown to be "ceased" as a partner of the firm i.e. Friends Security Service. Again the petitioner became a partner of the same very firm on 28.09.2013 immediately after the execution of a partnership deed which was executed on 27.09.2013. There are serious allegations of fraud, cheating and misappropriation of trust funds. Admittedly, the bank guarantee of Rs.50 lacs was given with the marketing Board by Smt. Kavita, wife of the petitioner and one Subhash Chander Kohar-complainant. For that reason it is alleged that fraud has been played with the complainant. Since there are allegations of conspiracy, the matter needs to be thoroughly investigated.

In view of this, no ground for anticipatory bail is made out.

Dismissed.

July 22, 2015 **[Paramjeet Singh]**
vkd **Judge**