

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

CRM No.M-8646 of 2015 (O&M)

Date of decision:26.03.2015

Vinay Kashyap

... Petitioner

Vs.

State of Haryana

.. Respondent

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. Ashok Tyagi, Advocate for the petitioner.

....

TEJINDER SINGH DHINDSA.J.

CRM No.10129 of 2015:

Application is allowed as prayed for. Additional Affidavit dated 19.03.2015 is taken on record.

Application is disposed of.

Main case:

The instant petition has been filed under Section 438 of the Code of Criminal Procedure seeking the concession of pre-arrest bail to the petitioner in case FIR No.365 dated 02.08.2014 under Sections 406/34 of the Indian Penal Code, registered at Police Station Mujesar, District Faridabad.

Counsel for the petitioner has vehemently contended that the petitioner was working as a Manager with a firm running in the name and style of M/s Techno shine and without any justifiable basis had been removed from the service w.e.f. 21.07.2014. It is contended that merely for the reason that the petitioner had raised a demand for wages, the complaint was lodged and the petitioner has been falsely implicated. Towards such assertion, counsel would even refer to an additional affidavit dated

19.03.2015 of the petitioner.

Having heard counsel for the petitioner, this Court is of the considered view that the petitioner is not entitled for the concession of anticipatory bail.

Perusal of the FIR would reveal that the same has been registered on the complaint of one Aman Gupta, owns a factory by the name of M/s Eurokon Global Exports Private Limited situated at Faridabad. The allegations are that the present petitioner in the capacity of Manager had placed an order with regard to two tons of goods (iron rods) and which were loaded in vehicle bearing No.HR-38T-2674 but such vehicle did not reach at the factory premises of Techno Shine.

Apparently, the present petitioner having already been removed from service of Techno Shine w.e.f. 21.07.2014 has misused his power and has placed an order with M/s Eurokon and thereafter has misappropriated the goods in question. Even though, it has been noticed by the Court below in its order dated 09.03.2015 at Annexure P-2 while declining the prayer for anticipatory bail that the sum of Rs.10,000/- that was given to the driver and owner of the vehicle has been recovered, yet the goods in question are still to be recovered.

It would be a case, where custodial interrogation of the petitioner may be warranted.

Under such circumstances, this Court does not find any infirmity in the order dated 07.03.2015 at Annexure P-2 passed by the learned Additional Sessions Judge, Faridabad in declining the prayer of the petitioner seeking concession of anticipatory bail.

Petition stands dismissed.

26.03.2015

(TEJINDER SINGH DHINDSA)
JUDGE