

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.M-24592 of 2016

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Date of decision:10.8.2016

Balkar Singh

...Petitioner

v.

State of Punjab

...Respondent

....

Coram: Hon'ble Mr. Justice Inderjit Singh

.....

Present: Mr. Rajbir Singh, Advocate for the petitioner.

Ms. Shivali, Assistant Advocate General, Punjab for the
respondent-State.

Mr. Gaurav Sharma, Advocate for the complainant.

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Inderjit Singh, J.

This petition has been filed under Section 438 Cr.P.C. for the grant of anticipatory bail in case FIR No.0072 dated 6.6.2016 registered for the offences under Sections 420 and 406 IPC at Police Station Chhajli, District Sangrur.

Notice of motion has been issued in this case.

Ms. Shivali, learned Assistant Advocate General, Punjab has put in appearance on behalf of the respondent-State and Mr. Gaurav Sharma, learned Advocate has appeared for the complainant and contested this petition.

I have heard learned counsel for the petitioner as well as learned Assistant Advocate General, Punjab appearing for the respondent-State and learned counsel appearing for the complainant and have gone through the record.

As per the prosecution version, the petitioner was employee of Nature Heights Infrastructure Company. The complainant-Parupkar Singh gave ₹5 Lacs to the petitioner for purchase of plot, but neither the plot was given nor money was refunded.

Learned counsel for the petitioner argued that the receipt was given by the petitioner being employee but the agreement was not signed by him. Even the petitioner himself has invested the money and the plots were not allotted to him also and he is seeking his remedy before the Court.

From the record, I find that the petitioner is neither the owner nor the partner of the Company i.e. Nature Heights Infrastructure Company, therefore, he is not the beneficiary. His statement has been recorded during the inquiry in which he has stated that whatever money he had received, it has been deposited by him with the Company and he has only given the receipt being an employee. No purpose will be served by sending the petitioner to custody.

Keeping in view the facts and circumstances of the present case, I accept this criminal miscellaneous petition and in the event of arrest, the petitioner shall be admitted to bail on his furnishing personal bonds and surety to the satisfaction of the Arresting/Investigating Officer. The petitioner shall join the investigation as and when called upon to do so

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and shall abide by the conditions of Section 438 (2) Cr.P.C.

August 10,2016.

(Inderjit Singh)
Judge

hsp

NOTE:	Whether speaking/reasoned:	Yes
	Whether reportable:	No