

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

CRM-M-34787-2016

Date of decision: October 25, 2016

Pawan Kumar

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Ashish Aggarwal, Advocate
for the petitioner.

Mr. A.S. Sidhu, AAG, Punjab
for the respondent-State.

Mr. Sandeep Arora, Advocate
for the complainant.

JASPAL SINGH, J.(ORAL)

Through the instant petition preferred under Section 438 of Code of Criminal Procedure, petitioner has sought pre-arrest bail, feeling apprehension of his arrest, in case FIR No.179 dated 27.08.2016, under Sections 406, 420 of Indian Penal Code registered at Police Station Phillaur, District Jalandhar (Rural).

The only allegation which emerges from the FIR and documents that petitioner who is working as broker/dealer has received an amount of Rs.4,28,208/- from M/s S.G. Agro Food, Jandiala Guru but did not make the payment thereof to complainant-Surjit Singh and is alleged to have misappropriated the same. The matter was also enquired by the Vigilance Bureau which has come to the conclusion that no action is required to be taken from the vigilance angle. Moreover, the payment of the amount by M/s. S.G. Agro Food to the petitioner is a matter of evidence. It appears that the civil litigation has given the colour of the

criminal one just to recover the amount. If any amount is outstanding and is recoverable from the petitioner, the complainant can have recourse to the other remedies available to him.

Accordingly, petition is allowed and petitioner is directed to join the investigation. In the event of arrest, petitioner shall be released on interim bail at the satisfaction of the Arresting Officer/Investigating Officer subject to the conditions envisaged under Section 438(2) Cr.P.C.

October 25, 2016
m. sharma

(JASPAL SINGH)
JUDGE

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No