

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

Criminal Misc. No.M-38879 of 2015(O&M)

Date of Decision: May 30, 2016

Vinod Kumar Bector @ Bittu son of Shri Gurdial Chand.....Petitioner

Versus

State of Punjab

.....Respondent

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

Present: Mr.Dinesh Trehan, Advocate for the petitioner.

Ms.Anmol Grewal, Deputy Advocate General, Punjab.



TEJINDER SINGH DHINDSA, J.

The present petition has been filed under Section 438 of the Code of Criminal Procedure seeking concession of anticipatory bail to the petitioner in case FIR No.168/2015 dated 27.10.2015, registered under Sections 420, 406, 506, 34 of the Indian Penal Code at Police Station Doraha, District Ludhiana.

2. Counsel for the parties have been heard at length.
3. It may be noticed that FIR came to be registered on the complaint of Major Singh son of Kartar Singh. Precise allegations are that the complainant, who is an agriculturist, used to sell his produce to the firm, namely, M/s Adarsh Pal Diwan Chand, Commission Agent and the owners of the firm had retained the produce as also taken a hefty sum of approximately ₹45 lacs over a period of time on the promise that attractive

rate of interest would be given, but till date the dues have not been settled.

4. Present petitioner is stated to be one of the partners/owners of such firm.

5. Learned State counsel has informed the Court that during the course of investigation, it has been found that receipts were issued by the present petitioner in token of having received the amount as alleged by the petitioner. Such factual aspect is not even rebutted by the learned counsel appearing for the petitioner.

6. Learned State counsel further apprises the Court that the firm in question was dissolved later in point of time i.e. on 1.4.2013 and now all the partners are levelling allegations against each other with regard to embezzlement of funds.

7. Be that as it may, prima facie, it is the poor farmer i.e. the present complainant who has been induced to part with his hard-earned money on the promise of handsome returns. It may also be noticed that on previous dates of hearing, learned counsel appearing for the petitioner had sought time to facilitate the petitioner/accused to settle accounts with the complainant. Even though the financial obligation towards the complainant is not being disputed or denied, yet no amount has been made over to the complainant.

8. Under such circumstances, this Court is not inclined to extend in favour of the petitioner the concession of pre-arrest bail.

9. Petition is dismissed.

(TEJINDER SINGH DHINDSA)
JUDGE

May 30, 2016

SRM

SUSHAMA RANI MALIK
2016.06.01 10:15
I attest to the accuracy and
authenticity of this document