

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

**Criminal Misc.No.M-38899 of 2015 (O&M)
Date of Decision : 13th December, 2016**

Bharat Bhushan

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Preetinder S.Ahluwalia, Advocate
for the petitioner.

Ms. Amarjit Kaur Khurana, Addl. A.G., Punjab
for the respondent(s)-State.

Mr. Sant Pal Singh Sidhu, Advocate for the complainant.

AJAY TEWARI, J. (Oral)

Petitioner has preferred this petition under Section 438 Cr.P.C.
for grant of pre-arrest bail in case FIR No.209 dated 28.10.2015 registered
at Police Station City Kharar, District SAS Nagar (Mohali), under Sections
406, 420 IPC.

The allegations are that the petitioner has misappropriated an
amount of Rs.1,28,25,000/- belonging to complainant.

It was the case of the petitioner that only an amount of
Rs.37,00,000/- was due towards the petitioner and out of that only an
amount of Rs.5,00,000/- was due to the complainant and the remaining
amount of Rs.32,00,000/- was due to other persons and as per the previous
order, passed by this Court, entire amount of Rs.37,00,000/- has been paid.
As regards the remaining amount of Rs.91,00,000/-, it is the case of the
petitioner that the complainant had accessed to the bank details of the

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petitioner since they were both earlier working together and the complainant wrongly appropriated payments made by the other persons in the account of the petitioner as payments made on his behalf.

On the other hand, learned counsel for complainant has reiterated that those payments were made either by the complainant or by persons on his behalf.

It is not disputed that at one stage, the parties were working together and thus disputes arising subsequently.

Keeping in view the entire factual matrix, I am of the opinion that the interest of justice would be served in case the petitioner makes a fixed deposit of Rs.30,00,000/- in favour of Chief Judicial Magistrate, Mohali within three months and that money alongwith interest thereon would be handed over to the party found entitled thereto (apart from whatever other relief may be granted).

Let the petitioner appear before the concerned Investigating Officer on or before 15.03.2017 alongwith the receipt of the fixed deposit and on his appearance, the Investigating Officer shall confirm the interim bail granted to him. In the event of default, the petition shall be treated as dismissed.

With the aforesaid direction, the instant petition stands disposed of.

(AJAY TEWARI)
JUDGE

13th December, 2016

mamta

Whether speaking/reasoned

Yes/No

Whether Reportable :

Yes/No