

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

CRM-M No.10276 of 2017
Date of decision: 31st May, 2017

Manmohan Maheshwari

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. HPS Ishar, Advocate for the petitioner.

Mr. KDS Sidhu, Addl. Advocate General, Punjab
for the respondent/State.

Mr. Abhinav Gupta, Advocate for the complainant.

FATEH DEEP SINGH, J.

Allegations against the petitioner Manmohan Maheshwari in this anticipatory bail application under Section 438 Cr.P.C. are that while he was employed as a salesman with the complainant Gaushala in Bathinda where he was deputed to deal with cash regarding sale of green fodder and during the course of his employment had embezzled a total amount of Rs.15,29,000/- out of which he has returned Rs.1,46,000/- after defalcation was discovered and has also confessed of his involvement in usurping the money of Gaushala which was entrusted to him.

Contentions of learned counsel for the petitioner Mr. HPS Ishar, Advocate are that the petitioner was allowed interim bail by the lower Court and that there is no semblance of evidence to bring about his posting and entrustment of cash enabling him to deal with the same and

in fact it was the wrongdoings of the management of Gaushala to which the petitioner opposed has led to his false implication and that nothing is to be recovered from him.

The bail application is stoutly opposed by learned State counsel Mr. KDS Sidhu, Addl. Advocate General, Punjab assisted by Mr. Abhinav Gupta, Advocate representing the complainant on the grounds that since huge amount of money has been involved and there is documentary proof of his wrongdoings including CCTV footage and his confession of having usurped necessitates his custodial interrogation.

Appreciating the submissions, the own confession of the accused much prior to the registration of the FIR as has been brought to the notice of this Court by learned State counsel together with recovery of part of this defalcated amount which the petitioner has voluntarily handed over to the complainant and the fact that investigations are at crucial stage and if allowed bail the petitioner would not only hamper the same but as has been contended by learned State counsel there is every likelihood that the petitioner would influence the witnesses who are from the same institution. In the light of heinousness of the offence and seriousness of allegations does not entitles the petitioner of any relief as his custodial interrogation is necessitated besides the fact that provisions of Section 438 Cr.P.C. are to be sparingly used. Thus, finding no merit in the present petition the same stands dismissed.

Before parting, it would not be out of place to refer here that the investigations are highly unprofessional and needs to be properly

supervised as the entire records, as has been discovered during the course of hearing, has not been taken into possession by the Investigating Officer, impels this Court to issue directions to the concerned police authorities to ensure that the administration of justice does not suffer on that score.

(FATEH DEEP SINGH)
JUDGE

May 31, 2017
rps

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No