

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

**Crl. Misc. No.M-21125 of 2017 (O&M)
Date of Decision: July 19, 2017**

Sukhchain Singh

.....PETITIONER(s).

VERSUS

State of Punjab and another

....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. R.S. Bains, Advocate
for the petitioner (s).

Ms. Rajni Gupta, Senior D.A.G., Punjab.

SURINDER GUPTA, J.(Oral)

The present petition has been filed under Section 438 Code of Criminal Procedure for grant of anticipatory bail to the petitioner in case FIR No.0090 dated 07.09.2016 registered for the offences punishable under Sections 406, 420 read with Section 120-B of Indian Penal Code, at Police Station Sadar Nabha, District Patiala.

Heard.

As per the allegations on the basis of which FIR was recorded, complainant had given ₹4 lakh to petitioner and his father to deposit in the post-office but his father instead of depositing this amount in the post-office, invested it in Blue Chip Infra Project Company Limited, Mumbai, which was against the instructions of the complainant and they have embezzled the amount.

Learned counsel for the petitioner submits that the incident

alleged is of 2013 when the petitioner was a student and studying in Panjab

University, Chandigarh. He has no concern with the deal, the complainant had with his father, if any. Even otherwise, the money was not embezzled, rather invested and receipt was given to the complainant.

The matter is still under investigation and the role of the petitioner is still to be verified by the investigating officer on the basis of allegations and material produced by the complainant. It is also a fact to be seen as to whether on the basis of allegations that money given for deposit in post-office, but invested in shares of a company, amount to act punishable under Section 406 IPC.

Keeping in view the above facts but without expressing any opinion on the merits of the case, this petition is allowed and the order dated 05.06.2017 is made absolute till the presentation of challan, subject to the following terms:-

- (i) that the petitioner shall make himself available for interrogation by the police as and when required;
- (ii) that the petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the accusation against him so as to dissuade him from disclosing such facts to the Court or to any police officer;
- (iii) that the petitioner shall not leave India without the prior permission of the Court.
- (iv) that the petitioner will seek regular bail on the presentation of challan in Court.

July 19, 2017
Sachin M.

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No