

Sr. No.203

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM No. M-36719 of 2016 (O&M)

Date of Decision:02.03.2017

Pawan Kumar

... Petitioner

Versus

State of Haryana

... Respondent

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

Present:- Mr. R.S.Sihota, Senior Advocate with
Mr. B.R.Rana, Advocate,
for the petitioner.

Mr. C.S.Bakhshi, Additional A.G., Haryana.

Mr. Sarfraj Hussain, Advocate,
for the complainant.

TEJINDER SINGH DHINDSA, J.(ORAL)

This is the second petition preferred by the petitioner under Section 438 Cr.P.C. seeking concession of pre-arrest bail in case FIR No.179 dated 18.04.2016, under Sections 406 and 420 of IPC, registered at Police Station Central, Faridabad.

Counsel for the parties have been heard.

FIR came to be registered on the complaint of Satpal Malik stating himself to be the proprietor of Moontec Power System, Faridabad. Allegations are that the firm of the complainant had taken distributorship of batteries and inverters from Su-kam Power System Limited, Gurgaon. Present petitioner was associated with the complainant firm for doing the work of marketing.

Allegations in a nutshell are of cheating and misappropriation

The police investigation file referred to by learned State counsel would indicate that fraudulent receipts have been issued by the present petitioner to shopkeepers and certain fake entries have also been made in the ledger account and thereby causing enormous loss to the complainant firm.

FIR in the present case was registered on 18.04.2016.

Petitioner had earlier preferred CRM No.M-25299 of 2016 seeking concession of anticipatory bail and the same was declined by this Court vide order dated 24.08.2016 and in the following terms:-

“Prayer in this petition filed under Section 438 Cr.P.C. is for grant of anticipatory bail to the petitioner in case FIR No.179 dated 18.4.2016, under Sections 420 and 406 IPC, registered at Police Station Central Faridabad, District Faridabad.

Learned counsel for the petitioner contends that at the time of issuing notice of motion in the case, the contention of the petitioner was recorded that he has neither signed the bills nor made any entry in the ledger and the receipts, given to the shopkeepers.

However, learned State counsel on instructions from ASI Chhatterpal states that the petitioner, who is agent of M/s Sukam Power Limited, has taken advantage of the ailment of the complainant and has issued forged bills and made fraudulent entry in the ledger and the receipts. The bills were signed by the petitioner.

Heard learned counsel for the parties.

Considering the nature of the allegations against the petitioner that he has forged the bills, no case for grant of anticipatory bail is made out.

Dismissed.”

This is the second attempt made by the petitioner to secure the

concession of pre-arrest bail. No change in circumstances have been brought forth to justify the filing of the second petition. Rather petitioner is on the run in spite of the first petition having been dismissed on 24.08.2016.

Against the backdrop of the allegations and coupled with the conduct of the petitioner, this Court is not inclined to extend in his favour the concession of pre-arrest bail.

Petition dismissed.

02.03.2017

vandana

(TEJINDER SINGH DHINDSA)
JUDGE

Whether speaking/reasoned

Yes

Whether Reportable

Yes