

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

CRM-M-38466 of 2016 (O&M)

Date of decision: 23.05.2017

Dalbir Singh

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mr. NPS Mann, Advocate for the petitioner(s).

Ms. Harsimrat Rai, DAG, Punjab.

Mr. Nakul Sharma, Advocate for respondent No.2.

Jitendra Chauhan, J. (Oral)

CRM-16863-64-2017

Allowed as prayed for, subject to all just exceptions.

Main Case

By filing the present petition, under Section 438 of the Code of Criminal Procedure, the petitioner has sought anticipatory bail in FIR No. 65 dated 08.09.2016, registered under Sections 406, 420, 467, 468, 471, 211 and 120-B of IPC, at Police Station Mallwanwala, District Ferozepur.

It is contended that petitioner is not beneficiary of the alleged embezzlement. The petitioner himself moved complaint to the

police regarding embezzlement by co-accused Rohit Sethi who used to collect payments/EMIs from customers. Co-accused Rohit Sethi has misappropriated an amount of Rs. 16 lakh approx. and did not deposit the same in the account of company. The petitioner has not lodged any DDR as alleged by learned counsel for respondent No.2.

On the other hand, the learned State counsel as well as learned counsel for respondent No.2 oppose the bail application and state that the petitioner in connivance with co-accused Rohit Sethi has misappropriated the public money.

Heard.

As per FIR, the precise allegations against the petitioner is that he being the area Collection Manager of the company had issued receipt book to co-accused Rohit Sethi and he asked to co-accused to put his signatures on some receipts as Manish Kumar, the earlier employee of the company. The signatures were appended on the sole instructions of the petitioner whereby he in connivance with co-accused Rohit Sethi has misappropriated about Rs. 16 lakh of public money. The amount against which the receipts were issued was not deposited in the account of the company. The receipts pertain to receipt book which was issued by the petitioner to co-accused. The amount is yet to be recovered. Keeping in view the above, this Court feels that it is a fit case where custodial interrogation of the petitioner is required to know his modus operandi. Therefore, no case for pre-

arrest bail is made out at this stage.

Dismissed.

Anything said herein above shall not be construed as an expression of opinion on the merits of the case.

23.05.2017
sumit.k

(JITENDRA CHAUHAN)
JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No