

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

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**CRM-M-20303 of 2018 (O&M)  
Date of Decision:19.07.2018**

**Anand Kumar Mishra                      .....Petitioner**

**Vs.**

**State of Haryana                              .....Respondent**

**CORAM:- HON'BLE MR. JUSTICE RAJBIR SEHRAWAT**

Present:-     Mr. Aditya Jain, Advocate for the petitioner.

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**Rajbir Sehrawat, J.(Oral)**

The present petition has been filed by the petitioner under Section 438 Cr.P.C for grant of anticipatory bail in case FIR No.0235 dated 26.04.2018 registered under Sections 406, 420, 467, 468, 471 IPC at Police Station Faridabad Kotwali, Faridabad.

Counsel for the petitioner submits that pursuant to the interim protection granted by the Court, the petitioner had joined the investigation.

Learned State Counsel, being instructed by ASI Naresh Kumar, does not dispute the fact that the petitioner had joined the investigation. However, it is submitted by the learned State Counsel that the petitioner is not co-operating in recovery.

Mr. Akash Vashisth, Advocate, appears on behalf of the complainant and it is submitted by him that all the economic affairs of the Firm were taken over by the petitioner. Therefore, he is the only person responsible for deposit of PF amount of the workers working in the Firm.

Since the petitioner has claimed to be only an Accountant in the Firm, therefore, prima-facie, he cannot be the responsible person for

management of the Firm in managing its economic affairs as contended by the learned counsel for the complainant. Moreover, all the alleged documents sought to be recovered are matter of record either with the Firm, with the PF Commissioner or with the Bank; which can very easily be taken into custody by the Police. Therefore, the custodial interrogation of the petitioner is not required.

In view of the above, but without commenting upon the merits of the case, the present petition is allowed. Interim order dated 14.05.2018 is made absolute.

July 19, 2018  
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( RAJBIR SEHRAWAT )  
JUDGE

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|---------------------------|--------|
| Whether Speaking/reasoned | Yes/No |
| Whether Reportable        | Yes/No |