

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.M-27160 of 2018

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Date of decision:10.8.2018

Vimal Mishra

.....Petitioner

v.

State of Punjab

.....Respondent

....

Present: Mr. Padam Kant Dwivedi, Advocate for the petitioner.

Ms. Monika Jalota, Deputy Advocate General, Punjab for the
respondent-State.

Mr. Deepak Kumar, Advocate for the complainant.

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Inderjit Singh, J.

The petitioner has filed this petition under Section 438 Cr.P.C.
for grant of anticipatory bail in case FIR No.281 dated 30.12.2017
registered for the offences under Sections 406, 420 and 120-B IPC at Police
Station Phase I, S.A.S. Nagar (Mohali), District S.A.S. Nagar (Mohali).

Notice of motion has been issued in this case.

Ms. Monika Jalota, learned Deputy Advocate General, Punjab
has appeared on behalf of the respondent-State and Mr. Deepak Kumar,
learned Advocate has appeared for the complainant and contested this
petition.

I have heard learned counsel for the parties as well as learned
State counsel and have gone through the record.

In nutshell the allegations in the FIR are that an order was

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received from M/s Menthon Foods Private Limited to supply 20 MT skimmed milk powder @ ₹234/- per kg. + 2% GST after discussion with their agent Vimal Mishra. Although, the value of skimmed milk was ₹47,73,000/-, but a cheque of ₹40 lakhs was given. The company supplied 16.750 MT skimmed milk to M/s Menthon Foods Private Limited. When the cheque was presented, it was dishonoured as the payment was stopped.

The present petitioner is stated to be agent of M/s Menthon Foods Private Limited, the articles were supplied to M/s Menthon Foods Private Limited and the cheque was also issued by them. The petitioner has already joined the investigation. The petitioner is not required for custodial interrogation. No useful purpose will be served by sending the petitioner to custody.

Keeping in view the facts and circumstances of the present case; without discussing the facts in minute detail and without expressing any opinion on the merits of the case, I find merit in this petition and the same is allowed. The interim order dated 4.7.2018 passed by this Court granting interim bail to the petitioner is made absolute. However, the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions of Section 438 (2) Cr.P.C.

August 10, 2018.

(Inderjit Singh)
Judge

hsp

NOTE:	Whether speaking/reasoned:	Yes
	Whether reportable:	No