

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

CRM-M-27418 of 2018(O&M)

Date of Decision:24.07.2018

Kamalpreet Singh & anr.

....Petitioners

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: - Mr. Jatinder Pal Singh Smagh, Advocate, for the petitioners.

Mr. Davinder Bir Singh, D.A.G., Punjab.

RAMENDRA JAIN, J. (ORAL)

Prayer in the instant petition under Section 438(1) Cr.P.C. has been made for grant of anticipatory bail to the petitioners in a case arising from FIR No.82 dated 26.04.2018 under Sections 406/420/120-B IPC, registered at Police Station Adampur, District Jalandhar Rural.

According to the prosecution, petitioner No.1 under the employment of complainant as Accountant in his firm M/s Magnet Sales, in connivance with his real brother petitioner No.2, cheated and misappropriated the complainant for Rs.70-80 lakh by fraudulently transferred the said amount in their own company Success Hub.

Learned counsel for the petitioners *inter alia* contends that no amount could have been transferred by petitioner No.1 without the signatures of the complainant on the cheque. There is no evidence on record as to on which date and what amount was transferred. Earlier similar complaint filed by the complainant was inquired into by the police and the same was meritless. Therefore, on the similar allegation, the subsequent application could not have been entertained by the police.

petitioners, this Court is of the view that since both the petitioners have misappropriated and cheated the complainant for a huge amount of Rs.70-80 lakh, therefore, they do not deserve any concession of anticipatory bail, inasmuch as employment of petitioner No.1 with the complainant as Accountant is not disputed from March 2015 to January, 2018. That apart, during investigation, the petitioners undertook to repay the amount of Rs.60,00,000/-(sixty lacs) in installments to the complainant.

In view of this factual aspect of the case, the custodial interrogation of the petitioners is required to know as to where the said amount was utilized or spent by them.

Dismissed.

24.07.2018

monika

Whether speaking/reasoned
Whether Reportable

(RAMENDRA JAIN)
JUDGE

Yes/No

Yes/No