IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM No.M-50666 of 2018 (O&M)
Date of Decision: November 29, 2018

Rakesh Kumar

...Petitioner

VERSUS

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.S.P.S.Aulakh, Advocate
for the petitioner.

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INDERJIT SINGH, J.

Petitioner has filed this second petition under Section 438 Cr.P.C. for grant of anticipatory bail in case FIR No.177 dated 02.08.2017 under Section 408 IPC, registered at Police Station Shimlapuri, Ludhiana.

I have heard learned counsel for the petitioner and have gone through the record.

From the record, I find that the petitioner earlier also filed petition for anticipatory bail before this Court and after issuance of notice of motion and after hearing some arguments, when this Court was not inclined to grant benefit of bail, that petition was got dismissed as withdrawn. Now, again, present petition has been filed on the same grounds. No new ground for grant of anticipatory bail has been shown after the withdrawal of the first petition vide order dated 19.09.2018. The FIR has been registered against the present petitioner on the statement of Amanjot Singh, partner of M/s Guru Nanak Rubber Products. It is stated that present petitioner was employed with the firm and used to do marketing work and also used to collect payments from the customers and deposit the same in the bank account of the firm. It is also in the FIR that one of the customer M/s J. Sons owed ₹6,97,669/- to complainant's firm. When the complainant went to one Amritpal Singh, he told the complainant that for a period of 6-8 months, the accused took around ₹3,50,000/- from him on various occasions as part payment of the outstanding amount but the accused never handed over the amount to the complainant nor deposited the same in the account of the firm. Thereafter, the complainant checked the accounts and found that accused used to receive cash from various customers but did not deposit the same in the bank account. He used to fill counter foils of the bank/deposit slips showing that certain cheques have been received by the firm but in fact, those were also fabricated slips. There is also mentioned in the FIR that one Gursharan Singh of M/s Sant Fashioners, who is also the customer of complainant's firm, told that he had paid ₹71,300/- to the petitioner as part payment but he did not hand over the same to the complainant. The allegation in the FIR is that the petitioner has misappropriated the money and caused loss to the firm etc.

Keeping in view the allegations in the FIR that petitioner, being employee of the firm, has misappropriated huge amount, which was taken from the customers but not handed over to the complainant or deposited in the account of the firm, I find that petitioner is required for custodial interrogation and no ground is made out for grant of anticipatory bail to him

Therefore, finding no merit in the present petition, the same is dismissed.

November 29, 2018 **(INDERJIT SINGH)**
Vgulati **JUDGE**

Whether speaking/reasoned **Yes**
Whether reportable **No**