

CRM-M-51114-2018

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

**CRM-M-51114-2018 (O & M)
Date of Decision: 07.12.2018**

Naresh Sharma

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr. Amit Goyal, Advocate,
for the petitioner.

Mr. Pawan Sharda, Sr.DAG, Punjab.

Mr. Vaighav Sehgal, Advocate,
for applicant(complainant) in CRM-43451-2018 and 43452-
2018.

INDERJIT SINGH, J.

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Heard.

In view of the grounds mentioned in the application, the present application is allowed and applicant-complainant is impleaded as respondent No.2 in the main petition. Amended memo of parties is taken on record.

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Allowed as prayed for, subject to all just exceptions.

Annexures R-1 to R-6 are taken on record.

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Petitioner has filed this petition under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail in case FIR

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No.322 (wrongly mentioned in the order as FIR No.332) dated 24.10.2018, registered at Police Station Jodhewal, District Ludhiana, under Section 420 of the Indian Penal Code.

Notice of motion was issued in this case. Learned State counsel has put in appearance on behalf of the respondent-State and complainant has also appeared through his counsel. They contested this petition.

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

As per the allegations in the FIR, the present petitioner, who was working as Agent in the market, approached the complainant and his other partners and stated that he is having links with many firms at Ludhiana. Thereafter, the complainant started giving fabrics and the commission was also agreed to be paid to the accused. Initially, the payment was received by the complainant's firm and the complainant's firm had developed faith upon the accused. Thereafter, there were dealings with other accused as mentioned in the FIR for lakhs of rupees, but later on, the complainant found that the accused has registered the firms in the names of his family members. The names of these firms are Shri G Textiles, Hema International, Veer Collection, Makkar Fabrics, Rajat Knitfab, Harishikha Knitfab etc. The material was supplied to the said firms, but no payment was made and articles of the complainant had been misappropriated. The cheques given by the persons of the accused including his daughter of about ₹1 crore, have been bounced and in this way, the accused has cheated the complainant's firm.

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Keeping in view the serious allegations levelled against the present petitioner and that in no way, the dispute can be held as of civil nature, I find that the petitioner is required for custodial interrogation. Therefore, the petitioner is not entitled to the anticipatory bail.

Finding no merit in the present petition, the same is dismissed.

07.12.2018
parveen kumar

(INDERJIT SINGH)
JUDGE

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