

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

217

**CRM-M-2943-2019**

**DATE OF DECISION: 05.11.2019**

**ASHISH KUMAR**

**... Petitioner(s)**

***Versus***

**STATE OF PUNJAB**

**... Respondent(s)**

**CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL**

Present: Mr. H.S. Thiara, Advocate for the petitioner(s).

Mr. N.K. Banka, DAG, Punjab.

Mr. Sandeep Arora, Advocate for the complainant.

**ANUPINDER SINGH GREWAL, J. (ORAL)**

The petitioner is seeking anticipatory bail in FIR No.321 dated 18.12.2018 under Sections 420 & 408 IPC registered at Police Station Division No.6, District Jalandhar.

Learned counsel for the petitioner contends that the allegations against the petitioner, who was working as a delivery boy with the complainant company, are that he had taken mobile phones for sale to the dealers and had not deposited the payment which he had received. He, however, contends that the petitioner had already left the job of delivery boy and there is no document to suggest that the possession of the mobile phones had been handed over to the petitioner for sale to the distributors or any money was collected by the petitioner. The petitioner is not involved in any other case.

A coordinate Bench of this Court, by the order dated 23.01.2019, had directed the petitioner to appear before the Investigating Officer and join the investigation and in the event of his arrest, he was to be released on ad-interim bail to the satisfaction of the Investigating/Arresting Officer, subject to the conditions envisaged under Section 438(2) Cr.P.C.

Learned State counsel, upon instructions from ASI Hira Singh, states that although the petitioner has joined investigation but recovery of mobile phones is yet to be effected from him, therefore, he does not deserve the concession of anticipatory bail.

In view of the submissions of the learned counsel for the petitioner and the petitioner having joined investigation, the order dated 23.01.2019 granting interim bail to the petitioner is made absolute.

However, the petitioner shall abide by the conditions stipulated under Section 438(2) Cr.P.C. He shall also join investigation as and when called upon to do so.

Nothing observed hereinbefore shall have any bearing whatsoever on the merits of the case.

The petition stands disposed of.

(ANUPINDER SINGH GREWAL)  
JUDGE

05.11.2019.

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|---------------------------|---|----------|
| Whether speaking/reasoned | : | Yes / No |
| Whether reportable        | : | Yes / No |