

CRM-M-15019-2018

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

CRM-M-15019-2018 (O & M)

Date of Decision: 22.07.2019

Kuldeep Malhotra

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr. S.S.Rangi, Advocate,
for the petitioner.

Mr. Sidakmeet Singh Sandhu, AAG, Punjab.

Mr. Ravi Gakhar, Advocate,
for the complainant.

INDERJIT SINGH, J.

CRM-21540-2019

Allowed as prayed for. Annexure P-12 is taken on record,
subject to all just exceptions.

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Petitioner has filed this petition under Section 438 of the Code
of Criminal Procedure, 1973 (for brevity, 'Cr.P.C.') for grant of anticipatory
bail in a case FIR No.30 dated 22.02.2018, registered at Police Station Bassi
Pathana, District Fatehgarh Sahib, under Sections 406 and 420 of the IPC
and Section 408 of the IPC added later on.

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counsel put in appearance on behalf of the respondent-State and complainant also appeared through her counsel. They contested this petition.

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

From the record, I find that allegation against the present petitioner is that he is Manager of the complainant and has forged the agreement and also embezzled some amount.

On the other hand, learned counsel for the petitioner argued that the present petitioner was a lease holder as per Annexure P-2 and he paid Rs.7,50,000/- at that time and then had been paying Rs.50,000/- per month and this agreement was upto 2018. He also argued that agreement (Annexure P-3) is created by the complainant and the petitioner has not forged any document. There is nothing to show that the petitioner appended his writing or signatures etc. on that document.

The petitioner has already joined the investigation.

Keeping in view the facts and circumstances of the present case; without discussing the facts of the case in minute details and without expressing any opinion on the merits of the case, I find that the dispute looks regarding the lease of petrol pump and the petitioner is not required for custodial interrogation. Nothing is to be recovered from him. The case is based on documentary evidence. No useful purpose will be served by sending him to custody.

Therefore, finding merit in the present petition, the same is

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allowed. It is ordered that in the event of arrest, the petitioner be released on bail subject to his furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438 (2) Cr.P.C.

22.07.2019
parveen kumar

(INDERJIT SINGH)
JUDGE

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