

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

CRM No.M-14361 of 2019 (O&M)

Date of Decision: April 02, 2019

Crown Milk Specialities Private Limited

...Petitioner

VERSUS

State of Punjab and another

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.R.V.S.Chugh, Advocate
for the petitioner.

INDERJIT SINGH, J.

Petitioner has filed this petition under Section 439(2) read with Section 438 Cr.P.C. for cancellation of anticipatory bail granted to respondent No.2 by this Court in case FIR No.281 dated 30.12.2017 under Section 406, 420 and 120-B IPC registered at Police Station Phase-I, Mohali

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

The perusal of the record shows that Vimal Mishra applied for anticipatory bail in this case before this Court, which has been granted on 10.08.2018 by holding that petitioner is not required for custodial interrogation as he has already joined the investigation. The petitioner is also stated to be agent of M/s Menthen Foods Private Limited. The articles were supplied to M/s Menthen Foods Private Limited and the cheque was

also issued by the company.

Learned counsel for the petitioner contended that order dated 10.08.2018 has been obtained by the other party by misleading the Court as respondent No.2 was the Director of the company and not the agent.

The perusal of the record shows that in the anticipatory bail petition filed by respondent No.2, learned counsel for the complainant (present petitioner) was present, who also assisted this Court but he has nowhere pointed out that respondent No.2 is the Director and not agent of the company. The bail was granted to respondent No.2 on 10.08.2018 and since then, there is no allegation that he has misused the concession of anticipatory bail nor there is any allegation that he is threatening the witnesses etc.

As already held, respondent No.2 is not required for custodial interrogation, therefore, no purpose will be served by cancelling the bail and sending respondent No.2 to custody. No ground is made out for cancelling the bail granted to respondent No.2.

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

April 02, 2019
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No