

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-29514-2019

Date of decision: 17.07.2019

Pankaj Kumar

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Naveen Bawa, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

Mr. K.S. Dhillon, Advocate
for the complainant.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of anticipatory bail in FIR No.214 dated 15.06.2019 under Section 408 IPC, registered at Police Station Phillaur, District Jalandhar Rural.

Learned counsel for the petitioner submits that as per the FIR, there is no specific allegation regarding the period, when the petitioner, who was working as Salesman with the complainant, had embezzled the amount. It is further submitted that the nature of job of the petitioner was to sell the breads manufactured by the complainant and to deposit the amount on daily basis with the Assistant Sales Manager Anil and the Factory Incharge Shweta Kalia.

In reply, learned State counsel, on instructions from ASI Govinder

Singh and assisted by learned counsel for the complainant, has submitted that from the period 13.12.2016 to 03.01.2019, the petitioner kept the aforesaid amount with him and later on, he executed an affidavit that he will repay the amount by selling his house and also signed the statement of account on the same day i.e. 04.01.2019.

After hearing learned counsel for the parties, I find that it is not disputed by the complainant that the petitioner was required to account for the sale on daily basis and for a considerable period of two years, the complainant did not take the accounts from the petitioner and ultimately, after a period of two years, the complainant, when checked the account, has found that the amount of Rs.20,49,141/- is outstanding.

In such circumstances, I deem it appropriate to grant concession of anticipatory bail to the petitioner, as it is own case of the complainant that after two years, the petitioner has even given an affidavit to pay the amount, which otherwise makes it a civil liability and the complainant can recover the amount on civil side.

In view of the above, this petition is allowed and the petitioner is directed to appear before the Investigating Officer and join the investigation subject to the conditions envisaged under Section 438 (2) Cr.P.C.

17.07.2019
vishnu

[ARVIND SINGH SANGWAN]
JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No