

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

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**CRM-M-49635-2019
Date of decision: 19.12.2019**

Rakesh Kumar

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Abhimanyu Singh, Advocate
for the petitioner.

Mr. Jagmohan Ghuman, DAG, Punjab.

Mr. Ramender Chauhan, Advocate
for the complainant.

ARVIND SINGH SANGWAN, J. (Oral)

The petitioner prays for grant of anticipatory bail in FIR No. 57 dated 14.10.2019, under Sections 420, 467, 468 and 471 of the IPC, registered at Police Station Industrial Area, Bhiwani, District Bhiwani.

The order dated 22.11.2019, vide which the petitioner has been granted interim bail, is reproduced below:

“Learned counsel for the petitioners submits that as per the allegations in the FIR, registered at the instance of Dr. Ishwar Dass, he is having a showroom of Hyundai cars. It is further stated in the FIR that complainant has appointed one Gaurav as Cashier who deals with the cash in the aforesaid showroom and he used to deposit the daily collection of cash either with him or with his manager. It is further stated in the FIR that the complainant is a doctor and is running his own hospital in the name of Ishwar Children Home and he is a busy professional and,

therefore, he used to give less time to the showroom.

It is further stated in the FIR that on 27.09.2019, when his Cashier gave the cash, he had suspicion that the same is incorrect and when he checked the cash, the same was found to be in deficit of Rs. 2,95,233/-. Thereafter, on suspicion, the complainant checked the previous records of the showroom in the presence of Vineet and Chandi Ram and on audit, it was found that in between 26.04.2019 to 27.09.2019, the total amount deposited by the aforesaid cashier was in deficit of a sum of Rs. 74,70,600/-.

Learned counsel for the petitioners further submits that aforesaid Gaurav has been arrested and the name of the petitioners have surfaced thereafter. It is further submitted that in fact the petitioners were dealing with Gaurav in the year 2017 and in this regard, a pronote was registered and the petitioners have falsely been implicated in the present case.

Learned counsel for the petitioners further submits that it is the own case of the complainant that he was negligent in checking the account of his showroom and by taking benefit of the same, co-accused Gaurav has committed aforesaid cheating with him.

Notice of motion for 19.12.2019.”

Learned counsel for the petitioner submits that the petitioner, in pursuance to the order dated 22.11.2019, has already appeared before the SHO/Investigating Officer and has joined the investigation.

Learned counsel for the State, on instructions from SI Ram Niwas, has not disputed the factual position and submits that the petitioner has joined the investigation and is no more required for any further investigation.

In view of the above, the petition is allowed and the interim bail granted to the petitioner, vide order dated 22.11.2019, is made absolute subject to the conditions envisaged under Section 438(2) Cr.P.C.

19.12.2019

Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No