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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M No.15458 of 2020 (O&M)
Decided on: 08.07.2020

Bharat Bhushan

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. Keshav Pratap Singh, Advocate
for the petitioner.

Mr. Sukhdeep Parmar, AAG, Haryana.

Mr. Nihul Partap Singh, Advocate
for the complainant.

ARVIND SINGH SANGWAN, J. (Oral)

The petitioner prays for grant of anticipatory bail in FIR No.172 dated 21.05.2020 registered under Sections 120-B, 408, 506 of the Indian Penal Code, 1860 (in short 'IPC') at Po1ice Station Adarsh Nagar, Ballabgarh, District Faridabad.

Counsel for the petitioner has argued that as per the allegations in the FIR, the complainant has stated that the petitioner was employed in his wholesale business under the name and style of Shri Bhim Singh Trading Company as a Salesman in the year 2014 and he had given him job to maintain accounts of shop and look after the monetary transactions made by small shopkeepers in the village. The supplies were made to the shopkeepers through Bharat Bhushan i.e. the petitioner, who used to check the account and the amount collected from the small shopkeepers by issuing a receipt. Counsel for the petitioner has further submitted that it is specifically stated in the FIR that the complainant used to check the account of the shop from time to time, however, he was not perfectly conversant with the system and he used to believe whatever the petitioner told him. It is further stated in the FIR that in the year 2018, the petitioner introduced the co-accused Parveen in the shop and he started working with him and in February, 2020, on the pretext of opening a new business, the petitioner left his shop and later on, Parveen used to recover the amount and he also left the shop w.e.f. 06.04.2020. It is further stated in the FIR that both the petitioner and the co-accused Parveen Kumar had taken away the cash receipt books and Rs.60 lacs, which they have collected from various parties and shopkeepers and have committed the fraud with the shopkeepers.

Counsel for the petitioner has submitted that it is not the case of the petitioner that from the year 2014 to 2020 when the petitioner left the job, he used to check the amount or account of the shop and it was the duty of the complainant himself to check the account from the petitioner on daily basis so as to keep the account statement updated, however, it is own case of the complainant that he was lethargic and therefore, used to check the amount from time to time and not on daily basis.

Counsel for the petitioner has also submitted that after the petitioner and the co-accused – Parveen Kumar, left the job, the complainant started alleging that the fraud at their hands for a period, which was started from the year 2014 onwards, was committed.

Counsel for the petitioner has also relied upon certain telephonic conversations between the wife of the petitioner and the complainant to submit that in fact the complainant has stated that the co-accused Parveen Kumar has committed the fraud.

Counsel for the State has argued that during the investigation, it has been found that after the petitioner and Parveen Kumar left the job, the complainant got his account checked and found that there is a shortage of about Rs.55 lacs.

Counsel for the complainant has additionally argued that in the telephonic conversation between the complainant and the accused persons/wife of the petitioner, it is admitted that some amount is due.

Counsel for the complainant could not dispute the fact that when the petitioner or Parveen Kumar, were in service, he never tried to get the account checked and tallied for the period and it was only thereafter, he has checked the account which show that the complainant was taking everything in a very casual manner. However, it is argued that the primary dispute is pertaining to transaction of January, 2020 to May, 2020.

In reply, counsel for the petitioner argued that even otherwise, if some amount is found due towards the petitioner and Parveen Kumar during course of their employment, it will be open for the complainant to file a suit for recovery based upon the statement of account and daily ledgers.

After hearing the counsel for the parties, considering the facts and circumstances of the case, this petition is allowed and the petitioner is directed to appear before the Investigating Officer within a period of 10 days from today to join the investigation and he shall be released on interim bail subject to the conditions envisaged under Section 438(2) Cr.P.C.

However, it will be open for the prosecution to apply for cancellation of bail of the petitioner, in case the petitioner fails to join the investigation; found involved in any other case or misusing the concession of bail, in any manner.

(ARVIND SINGH SANGWAN)
JUDGE

08.07.2020
yakub

Whether speaking/reasoned Yes/No

Whether reportable: Yes/No