

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

**CRM-M-20288-2020 (O&M)
Date of Decision:15.09.2020**

Vivek Sharma

.....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present:- Mr. Suvir Sidhu, Advocate for the petitioner.

Mr. A.S. Sandhu, Addl. A.G. Punjab.

Mr. Manish Verma, Advocate for the complainant.

TEJINDER SINGH DHINDSA J.(Oral)

This case has been taken up through Video Conferencing via Webex facility in the light of Pandemic Covid-19 situation and as per instructions.

This order shall dispose of the instant petition filed under Section 438 Cr.P.C. seeking concession of pre-arrest bail to the petitioner in FIR No.225 dated 12.07.2020 under Sections 406 and 420 IPC, registered at Police Station Division-8, District Ludhiana.

While issuing notice of motion, the following order was passed by this Court on 24.07.2020:-

“This case has been taken up through Video Conferencing via Webex facility in the light of Pandemic Covid-19 situation and as per instructions.

Petitioner seeks concession of pre-arrest bail in FIR No.225 dated 12.07.2020 under Sections 406 and 420 IPC, registered at Police Station Division-8, District Ludhiana.

Allegations against the petitioner are that while he was engaged in the capacity of a Manager of a Gym, he has availed of an advance of Rs.3,00,000/- from the management and the same has not been returned. In other words the amount in question has been misappropriated. Further allegations are that the petitioner had made certain collections from the prospective members/members but the amount in its entirety was not deposited and there has been a short fall in such regard as well.

Counsel for the petitioner has very fairly stated that an amount of Rs.3,00,000/- had been received from the management by way of recorded banking transaction. It has gone uncontroverted that a sum of Rs.2,00,000/- already stands returned.

Counsel for the petitioner undertakes that balance amount of Rs.1,00,000/- would be made over to the management within a period of one week from today. That apart counsel has argued that the petitioner's tenure of engagement as a Manager of the Gym was for the period from 21.04.2018 till 02.01.2019 whereas the complaint came to see the light of the day only in the month of August of 2019 and in pursuance to which the FIR has been registered in July 2020. Further urged that the entire records are either in the custody of the Gym Management or of the Investigating Agency and he otherwise is ready and willing to join investigation.

Notice of motion returnable for 15.09.2020.

In the meanwhile, petitioner is directed to join investigation.

In the event of arrest, the petitioner shall be released on interim bail subject to the satisfaction of the Arresting Officer/Investigating Officer. The petitioner shall join investigation as and when called upon to do so and he shall remain bound by the conditions as envisaged under Section 438(2) Cr.P.C.”

Learned State counsel on instructions from ASI Ranbir Singh, informs the Court that the petitioner has since joined investigation and is not required for any custodial interrogation.

That apart counsel for the petitioner submits that an amount of Rs.1,00,000/- has since been made over to the management as per undertaking furnished at the stage of issuing notice of motion.

Such fact is admitted by counsel representing the complainant.

In view of the above, petition is allowed. Order dated 24.07.2020 passed by this Court, is made absolute.

Petition disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

September 15, 2020

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No