

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(109)

CRM No. M-22947of 2020

Date of Decision : 17.08.2020

Vinay Kumar

....Petitioner

Versus

State of Haryana

.....Respondent

(through video conferencing)

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Rajesh Khandelwal, Advocate for the petitioner.

Ms. Ambika Luthra, Additional Advocate General, Haryana.

Mr. Rahul Deswal, Advocate for the complainant.

Harsimran Singh Sethi, J. (Oral)

Present petition has been filed under Section 438 of the Cr.P.C. for the grant of anticipatory bail to the petitioner in respect of FIR No. 537 dated 03.08.2020, under Sections 381, 408, 420 and 34 of IPC, 1860, registered at Police Station Hisar Sadar, District Hisar.

Learned counsel for the petitioner argues that in fact the petitioner has been made a scapegoat due to the illegal activities of the Sidhant Motor Private Limited, where the petitioner was working. Learned counsel for the petitioner submits that petitioner has not done anything illegal while in service and now the petitioner is being accused of stealing the articles from the Company being the Incharge of the Store and

the petitioner alongwith two other persons, namely, Dinesh Saini and Sandeep Ranga are being made accountable for the loss of the inventory, which does not exist at all.

Notice of motion.

Ms. Ambika Luthra, learned Additional Advocate General, Haryana, who has joined the proceedings through video conference, keeping in view the service of advance copy of petition, accepts notice on behalf of the respondent-State and Mr. Rahul Deswal, Advocate, who has also joined the proceedings through video conference, accepts notice on behalf of the complainant. Learned State counsel submits that the allegations against the petitioner are of misappropriating the items/spare parts of the company to the tune of Rs.32 lacs to Rs.33 lacs and this amount is to be recovered and, therefore, custodial interrogation of the petitioner is very necessary.

Learned counsel appearing on behalf of the complainant submits that though, the petitioner is now raising a dispute with regard to the embezzlement of the spare parts, but he tendered a cheque of Rs.11 lacs i.e. 1/3rd of the payment of the total loss caused by him but later on, on the instructions of his counsel, petitioner asked his Bank to stop the payment. Learned counsel for the complainant submits that during the enquiry, the petitioner accepted his fault and tendered Rs.11 lacs.

I have heard learned counsel for the parties and have gone through the record very carefully.

The allegations against the petitioner is for mis-appropriating the items/spare parts entrusted to him while working as Store Incharge/Service Incharge with the Sidhant Motor Private Limited, Hisar.

The items have been alleged to be misappropriated by the petitioner in connivance with other co-accused and the petitioner does not dispute that he gave a cheque of Rs.11 lacs to the Company, though, later on he directed the bank to stop the payment by alleging that the said cheque was given by him under coercion. Allegations against the petitioner are serious. The material as well as the amount, which the petitioner has misappropriated after selling the items/spare parts belonging to the Company are yet to be recovered. Petitioner is required for the custodial interrogation, hence, no ground is made out to the grant the petitioner the benefit of anticipatory bail.

Dismissed.

August 17, 2020
kanchan/naresh.k

(HARSIMRAN SINGH SETHI)
JUDGE

Whether reasoned/speaking? Yes/No
Whether reportable? Yes/No