

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH
Sr. No.106

CRM-M-24221-2020 (O&M)
Date of decision : 25.8.2020

Pardeep Kumar

..... Petitioner

VERSUS

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Gautam Diwan, Advocate for
Mr. R.P. Daaria, Advocate, for the petitioner.

Mr. Saurabh Sharma, Advocate, for the complainant.

SUDHIR MITTAL, J. (Oral)

The petitioner seeks anticipatory bail in case FIR No.422 dated 7.5.2020, registered at Police Station City Thanesar, District Kurukshetra, under Sections 406 and 420 IPC.

According to the FIR, the petitioner mis-appropriated certain number of mobile sets and embezzled money paid by the customers.

Learned counsel for the petitioner submits that the FIR is based upon false and frivolous allegations. No details of number of mobile phones taken from the complainant for sale or the specific amount embezzled by the petitioner, have been mentioned in the FIR. Vague and general allegations have been made to falsely implicate the petitioner because, the petitioner had resigned from his job on 31.12.2019. The complainant had kept blank cheques signed by the petitioner at the time he took employment with the complainant and the petitioner was being pressurized and threatened on the basis thereof, leading to his resignation. A number of cases under Section 138 of the Negotiable Instruments Act, 1881, have been filed by the complainant against erstwhile employees as is evident from annexures P2 to P5. There is unexplained delay in the registration of the FIR because,

coming on duty since September, 2019 and started sending his wife Sandhya. If suspicion arose in September 2019, the complaint should have been made then and there and should not waited till 23.4.2020 when infact the complaint was made.

I am unable to accept the submissions made by learned counsel for the petitioner. It is not necessary to mention all details regarding the offence in the FIR. Police investigation has revealed that a sum of Rs.7.7 lacs approximately has been embezzled by the petitioner and 07 mobile phones have been mis-appropriated. This is evident from the order dated 4.8.2020 passed by learned Addl. Sessions Judge, Kurukshetra. Thus, no benefit can be drawn by learned counsel for the petitioner by arguing that FIR is based upon vague allegations. The argument regarding threats given by the complainant on the basis of blank cheques retained by him at the time of employing the petitioner, also cannot be relied upon as the same is based upon unsubstantiated facts. There is nothing on record to indicate that the petitioner ever complained to the police regarding threats given by the complainant on account of blank cheques. There is also no evidence on record to indicate that blank cheques were retained by the complainant. Orders (annexures P2 to P5) indicate that the complainant has filed complaints under Section 138 of the Negotiable Instruments Act, 1881, against some persons, but whether, they are former employees are not, is not discernable. Thus, this argument is also liable to be rejected. The argument regarding delay in registration of the FIR is also not tenable. A perusal of the FIR shows that the period during which the offence was allegedly committed is 1.4.2018 to 6.1.2020 and the complaint was made on

23.4.2020. There is, thus, no inordinate delay as the complainant may have been pursuing the petitioner to get his money. In any case, the matter of delay shall be gone into at the time of trial and I cannot return any positive finding, at this stage.

The allegations against the petitioner are serious in nature. An employee is in a fiduciary relationship with his employer and is expected to discharge his duties honestly and efficiently. If, he behaves in a dishonest manner, he deserves to suffer the consequences therefor.

I find no merit in the petition and the same is dismissed.

(SUDHIR MITTAL)
JUDGE

25.8.2020
Ramandeep Singh

Whether speaking / reasoned

Yes / No

Whether Reportable

Yes/ No