

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

CRM-M-25204-2020
Date of decision: 16.09.2020

Abhimanyu Sharma

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Vishal Garg Narwana, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

Mr. Vikram Anand, Advocate
for the complainant.

ARVIND SINGH SANGWAN, J. (Oral)

The petitioner prays for grant of anticipatory bail in FIR No. 0081 dated 03.08.2020, registered under Section 406 and 420 of the IPC at Police Station Morinda, District Rupnagar, Punjab.

Learned counsel for the petitioner submits that as per the allegations in the FIR, the petitioner was working with the complainant-firm, which was dealing in the wholesale as agent of Pepsi company.

Learned counsel further submits that as per the allegations, the petitioner used to sell the material in the market to the dealers and in October, 2019, he had taken certain products worth Rs. 7,00,000/- from the complainant-firm, however, he did not return the money to the complainant after selling the products in the market.

Learned counsel further submits that the present FIR has been registered after a delay of about ten months and there is no allegation of

deceiving the complainant and, therefore, it will be a debatable issue whether offence under Sections 420 and 406 of the IPC is made or not.

In reply, learned counsel for the complainant submits that vide invoice dated 12.11.2019, the petitioner has acknowledged that a sum of Rs. 4,63,254/- is due towards him and in order to repay the same, he has handed over a sale deed of his property with an undertaking that he will return the amount.

Learned State counsel has not disputed the factual position.

After hearing learned counsel for the parties, without making any comment on the merits of the case, considering the fact that the dispute relates to an amount which is to be returned to the complainant, for which the petitioner has already given some sort of undertaking by way of a sale deed of his property and also in view of the fact that for the purpose of recovery of said amount, the remedy of filing a suit for recovery is also available to the complainant, the present petition is allowed and the petitioner is granted concession of anticipatory bail, subject to the conditions envisaged under Section 438(2) Cr.P.C.

However, it will be open for the Investigating Officer to call upon the petitioner to join investigation, if required, by issuing a written notice in this regard.

16.09.2020

Waseem Ansari

**(ARVIND SINGH SANGWAN)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No