

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-27865-2019 (O&M)
Date of Decision:-29.1.2020

Dhiraj Kumar Sharma @ Dhiraj Sharma

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Ms. Gursharan K. Mann, Advocate for the petitioner.

Mr. Saurav Khurana, Deputy Advocate General, Punjab,
assisted by ASI Manjeet Singh.

GURVINDER SINGH GILL, J.(Oral)

1. The petitioner has approached this Court seeking grant of anticipatory bail in respect of a case registered vide FIR No.0194 dated 5.12.2018 at Police Station Basti Bawa Khel, District Police Commissionerate Jalandhar under Sections 406, 409 and 420 of Indian Penal Code.
2. The FIR in question was lodged at the instance of R.K. Sharma, Proprietor of M/s Sharma Sports, wherein it has been alleged that the petitioner Dhiraj Kumar Sharma @ Dhiraj Sharma had been employed as a Sales Manager with the complainant, who is proprietor of M/s Sharma Sports. It is alleged that at the time of appointment of the petitioner he was told not to collect any payment in cash from any party and was authorized to receive payments by way of cheques only from the customers of the complainant. The complainant has alleged that he had come to know that the petitioner had

received an amount of ₹22,250/- from one of its customers on 29.3.2018 without the consent of complainant and has not even deposited the same with the complainant.

3. Opposing the petition, the learned State counsel assisted by the learned counsel for the complainant, has submitted that although pursuant to interim directions the petitioner has already joined investigation but the aforesaid amount of ₹22,250/- is yet to be recovered. It has further been submitted by the learned State counsel that during the course of investigation it had surfaced that another amount of ₹2.71 lakhs approximately had also been usurped by the petitioner which had been entrusted to him by 13 different customers.
4. I have considered rival submissions addressed before this Court.
5. Keeping in view the nature of allegations and also that it is the case of the complainant himself that no transactions were supposed to be made in cash, it remains unexplained as to why the customers of the complainant had made payment by cash. In any case, since the petitioner has already joined investigation, custodial interrogation is not warranted.
6. The petition, as such, is accepted and the interim directions issued by this Court vide order dated 4.7.2019 are hereby made absolute subject to the condition that the petitioner shall join investigation as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C.

29.1.2020

pankaj

Whether speaking /reasoned

Whether Reportable

Yes / No

Yes / No

**(Gurvinder Singh Gill)
Judge**