

106 **IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRM-M-21625-2021
Date of Decision : 03.06.2021**

Nadeem Khan

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Ms. Sanawar Ali, Advocate
for the petitioner.

(Through Video Conferencing)

ARVIND SINGH SANGWAN, J. (Oral)

This is a petition filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in FIR No.153 dated 18.04.2021 under Section 408 of the IPC, registered at Police Station Urban Estate, District Rohtak, Haryana.

Learned counsel for the petitioner submits that as per allegations in the FIR registered at the instance of Manish Kumar Pandey, it is stated that he has employed petitioner Nadeem Khan as a Field Officer. It is further alleged in the FIR that the petitioner had recovered an amount of Rs.5,00,000/- from one Puneet Garg which was to be handed over to the complainant but he has failed to do so and thus he has misappropriated the amount.

Learned counsel for the petitioner further submits that the FIR was registered after 21 days of the alleged incidence and the petitioner is a poor salesman who has been wrongly fastened with the liability of Rs.5,00,000/- as there was some business transaction between the petitioner and the aforesaid Puneet Garg.

Learned counsel for the petitioner further submits that in fact there is a relationship of master and servant between the complainant and the petitioner and in case any amount is due towards the petitioner, the complainant has a remedy of recovering the same by filing a civil suit.

Notice of motion.

Mr. Amit Aggarwal, DAG, Haryana, who is also appearing through video conferencing accepts notice on behalf of the respondent-State and does not dispute the factual position.

After hearing learned counsel for the parties, without expressing any opinion on the merits of the case, considering the aforesaid submissions of learned counsel for the parties, 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 so required, by issuing him a written notice in this regard.

03.06.2021

Waseem/Chetan

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No