

CRM-M-32973-2020

Date of Decision:- 08.11.2021

VISHAL @ BABLU

...Petitioner

Verses

STATE OF PUNJAB

... Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJPresent: Mr. Ishan Gupta, Advocate
for the petitioner.

Mr. Ramdeep Partap Singh, DAG, Punjab.

Mr. Anmol Puri, Advocate
for Mr. Keshav Partap Singh, Advocate
for the complainant.

Manoj Bajaj, J. (Oral)

Petitioner has filed this petition under Section 438 Code of Criminal Procedure for grant of anticipatory bail in a case FIR No.206 dated 17.7.2020, registered under Sections 408, 420 IPC at Police Station Bhawanigarh, District Sangrur. The petitioner apprehended his arrest at the hands of Police, in the above FIR.

Learned counsel for the petitioner has invited the attention of the Court to the order dated 15.10.2020, whereby while issuing notice of motion to the respondent-State, the interim protection was extended to the petitioner. The said order reads as under:-

*“The case is taken up through video conferencing
on account of COVID 2019.*

*This is a petition filed under Section 438
Cr.P.C. for grant of anticipatory bail in case FIR
No. 206, dated 17.7.2020, registered under*

Sections 408, 420 IPC at Police Station Bhawanigarh, District Sangrur.

FIR was registered on the complaint of Divakar Singh, Proprietor of petrol pump Divakar Farm and Fuel Bhawanigarh. As per allegations in complaint, petitioner was serving at said petrol pump as Manager. He used to prepare record with his own hands and hand over worksheet regarding consumption of petrol/diesel on payment as well as borrowing. He also used to take readings from petrol/diesel machine himself and used to give account to complainant. He also used to hand over sale proceeds. It is alleged that petitioner used to prepare worksheet by showing less sale of diesel/petrol and render account to complainant accordingly. The balance must be siphoned off by petitioner. It has come to notice of complainant when petrol/diesel machine stopped and pump remain closed for many days and verification of stock and sale was done. It is alleged that petitioner has defrauded the complainant to the extent of Rs. 50,00,000/-. It is further alleged that affidavit dated 22.3.2020 was submitted by petitioner wherein he admitted his guilt and undertook to return the amount in monthly installments of Rs. 500000/- per month. He has also submitted affidavit dated 2.3.2020 regarding admission of cheating committed by him.

Learned counsel for petitioner has argued that allegations are totally false. The fact is that ledger books of petrol pump were prepared by father of complainant. It is categorical stand of petitioner that his signatures on ledger books are

forged. It is further stated that his signatures on affidavit dated 2.3.2020 are also forged. As regards, affidavit dated 23.3.2020, it is argued that papers of said affidavit were purchased on 16.4.2020 from Satish Kumar alias Makhan. The signatures thereupon were obtained in police station under coercion. He has argued that petitioner used to hand over receipts of sale proceeds to complainant. The complainant is a drug addict who has siphoned off the money and not disclosed this fact to his father. He states that petitioner is innocent. Petitioner has infact filed an application under Section 156 (3) Cr.P.C. against complainant, on which notice has been issued vide order dated 5.10.2020 (Annexure P-5). On his repeated requests, police is shying from getting his signatures on ledgers and affidavit dated 2.3.2020 verified.

Notice of motion.

Mr. Randhir Singh Thind, DAG Punjab accepts notice on behalf of State.

Adjourned to 26.11.2020.

In the meanwhile, in the event of arrest of petitioner, he shall be released on interim anticipatory bail to the satisfaction of Arresting Officer/Investigating Officer. He will join investigation as and when called for and cooperate in same. He will abide by conditions of Section 438 (2) Cr.P.C. ”

Learned counsel for the petitioner further contends that in deference to the said order, the petitioner submitted himself before the Police and joined the investigation. According to him, the petitioner cooperated with the Police Authorities during the investigation and

furnished requisite bonds to the satisfaction of the Investigating Officer/Arresting Officer.

Learned State counsel, who is assisted by ASI Harjinder Pal, does not dispute this fact that the petitioner has joined the investigation and is not required for custodial interrogation for the time being.

Considering above, the petition is allowed and the interim bail granted by this Court vide order dated 15.10.2020 is made absolute

08.11.2021
neelam

(MANOJ BAJAJ)
JUDGE

Whether speaking /reasoned	Yes/No
Whether Reportable	Yes/No