

In the High Court of Punjab and Haryana at Chandigarh

**CRM-M No. 47969 of 2021
Date of Decision: 10.12.2021**

Rajinder Singh

.....Petitioner

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR

Present: Mr. S.S.Swaich, Advocate
for the petitioner.

Ms. Samina Dhir, DAG, Punjab.

Mr. S.P.S.Khaira, Advocate
for respondent No. 2.

SURESHWAR THAKUR, J. (ORAL)

1. In FIR bearing No. 65 of 24.7.2021, registered at Police Station Badali Ala Singh, District Fatehgarh Sahib, the offences under Sections 406 and 420 IPC, are constituted.

2. One Jaspal Singh (respondent No. 2), an accused in the afore FIR (supra), in pursuance to lodging of the afore FIR, made an application under Section 438 Cr.P.C., before the learned Additional Sessions Judge concerned. The learned Additional Sessions Judge concerned, through an order made on 20.8.2021, upon application bearing No. 8512 of 2021, proceeded to grant the facility of anticipatory bail to the bail applicant-respondent No. 2.

3. The informant-complainant is aggrieved from the afore made

order, and, casts a challenge thereto, by instituting the instant petition before this Court.

4. A reading of the FIR (supra), which has been appended with the petition, discloses that there is a valid partnership deed drawn, amongst the accused, and, the complainant. However, the respondent-accused, though was holding the solitary privilege, to operate the bank accounts of the partnership concerned, yet it is alleged that he abused the afore capacity, and, withdrew Rs. 12-13 lacs, and, thereafter did not render accounts, to the informant-complainant, with respect to the mode of its utilization by him.

5. The learned counsel for the petitioner, would succeed in establishing, that the impugned order, is ridden with the vices of gross perversity, and, absurdity, upon his referring to, and, establishing the trite factum that, despite the accused-respondent holding possession of those documents, rather relevant for enabling the investigating officer, to carry forward the investigations, against the bail applicant, the bail applicant evidently failing to render the befitting cooperation to the investigating officer, and, that hence the recovery of certain important documents, could be effectuated by the investigating officer, only upon the accused being subjected to police custody.

6. However, as afore stated, the bail applicant-respondent herein was admittedly granted the solitary privilege, to operate the accounts of the partnership firm. Though he is stated to abuse the afore privilege, as, comprised in his withdrawing a sum of Rs. 12-13 lacs, without any accounts becoming rendered, by him to the complainant, in respect of its utilization. However, the afore grievance, falls within the domain of a civil dispute, and, can become well redressed through the aggrieved informant-

complainant, proceeding to institute a suit for rendition of accounts, before the Civil Court concerned, arraying therein the respondent-accused as a defendant.

7. Even otherwise, a reading of the impugned order discloses, that the learned Additional Sessions Judge, has taken extreme care and caution in ensuring that all the documentary evidence, as appertain to, and, imperative for ensuring a complete investigation, being carried into the offences (supra), by the investigating officer concerned, are available with the investigating officer concerned, or with the banks concerned, and, thereupon obviously, there was no further necessity of the accused-bail applicant, rather ensuring theirs recovery(ies), at his instance, to the investigating officer concerned, as he never held possession thereof. Consequently, there was obviously no necessity for any order, for the custodial interrogation of the bail applicant-accused, becoming made, hence for purpose (supra). There is no infirmity in the impugned order, and, the same is upheld.

8. The petition is dismissed.

(SURESHWAR THAKUR)
JUDGE

December 10, 2021
Gurpreet

Whether speaking/reasoned : Yes
Whether reportable : Yes