

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

CRM-M-43882-2021 (O&M)
Date of Decision:-6.12.2021

Ishu	Versus	... Petitioner
State of Punjab		... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Dhruvwinder Brar, Advocate for the petitioner.

Mr. Ajay Pal Singh Gill, DAG, Punjab,
assisted by ASI Gurmail Singh.

GURVINDER SINGH GILL, J.(Oral)

CRM-37841-2021

In view of the reasons mentioned in the application, the same is allowed and the document annexed with the petition is taken on record as Annexure P-3 subject to all just exceptions.

CRM-M-43882-2021 (Main Case)

1. The petitioner has approached this Court seeking grant of anticipatory bail in respect of a case registered vide FIR No.0113 dated 25.6.2021 at Police Station Kotwali Bathinda, District Bathinda under Section 408 of Indian Penal Code.

2. The FIR was lodged at the instance of Rakesh Kumar Garg, wherein it is alleged that he is owner of 'Ayaan Chemicals, Kalanwali, District Sirsa' and they have an employee namely Ishu Kumar. It is alleged that on 27.3.2021 he was in problem as his daughter-in-law was infected with COVID-19. It is alleged that he withdrew an amount of ₹3 lakhs from his bank and had an amount of ₹2.28 lakhs as cash in hand. He entrusted the said amount of ₹5.28 lakhs to Ishu Kumar and directed him to hand over the same to complainant's 'Fufar' (uncle), who was to reach at Bus Stand, Bhatinda. It is alleged that Ishu Kumar, however, never handed over the said amount to complainant's uncle and thus usurped the said amount.
3. Learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in the present case and infact it is a case where an amount of ₹1.80 lakhs is due to be paid by the complainant to the petitioner towards his salary and in order to realize the same, the petitioner had instituted a civil suit on 19.4.2021 but the complainant as a counter blast to the same, has lodged the instant FIR.
4. Learned State counsel has not disputed the fact that the petitioner had been in employment of the firm of the complainant. It is borne out upon perusal of a copy of civil suit (Annexure P-3) that while the civil suit was instituted on 19.4.2021, the instant FIR was lodged on 25.6.2021 based on complaint dated 4.5.2021, which is infact a date subsequent to filing of the civil suit.
5. The aforesaid sequence of events would raise a doubt that the FIR has been lodged as a counter blast. In these circumstances, this Court is of the opinion that it is a fit case for grant of anticipatory bail. The petition, as such, is accepted and the petitioner, in the event of arrest, be released on bail subject

to his furnishing personal bonds and surety bonds to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join investigation as and when called upon to do so and cooperate with the Arresting/Investigating Officer and shall abide by the conditions as provided under Section 438(2) Cr.P.C.

6.12.2021

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**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No