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

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CRM-M-52165-2019 (O&M)
Date of Decision: 21.09.2021

Nitin Sharma ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Vivek Salathia, Advocate, for the petitioner.

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

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court seeking grant of anticipatory bail in respect of a case registered against him vide FIR No.0290 dated 11.11.2019 at Police Station Civil Lines, District Amritsar, under Sections 420/406/380 IPC.

2. The FIR in question was lodged at the instance of Dinesh Midha, wherein it is alleged that the petitioner and his brother were employed in the agency being run by the complainant i.e. M/s City Enterprises, Amritsar and had been entrusted with the task of recovery of loan amounts of the bank. It is alleged that the petitioner and his brother collected the amounts from the loanees but did not account for the same and thus usurped the amounts collected from such persons towards repayment of loans. It is alleged that an amount of about Rs.25 Lakhs had been misappropriated and when the accused were

confronted, they had issued 17 cheques but upon presentation of 5 such cheques, the same were dishonoured.

3. Learned counsel for the petitioner has submitted that there is no evidence with the Investigating Agency to connect him with the alleged misappropriation and that the cheques in question, in any case, had been issued by the petitioner's brother and that the petitioner cannot be held liable for the same. It has further been submitted that dishonouring of the cheque would in any case attract offence under Section 138 of the Negotiable Instruments Act.

4. Opposing the petition, learned State counsel has submitted that during the course of investigation, the bank account statement pertaining to the account maintained by the petitioner was collected and was examined and from which it transpires that during the period from 25.01.2018 to 25.05.2019, an amount of approximately Rs.20 Lakhs had been credited in addition to the salary of the petitioner, which would clearly show the complicity of the petitioner.

5. I have considered rival submissions addressed before this Court.

6. The allegations, in nutshell, are that the petitioner while being employed as a cash payment collector with the firm of the complainant had misappropriated the amount collected by him from various persons towards repayment of loans and had usurped the same. The said amount is alleged to be about Rs.25 Lakhs. During the course of investigation, it has been found that an amount of Rs.20 Lakhs had been credited in the bank account of the petitioner apart from the salary, which also had been credited in the said account. Learned counsel for the petitioner could not show anything to this Court from which the said deposit of huge amount in the bank account

of the petitioner could be justified. Such like deposit of huge amount virtually substantiates the allegations as levelled in the FIR. In these circumstances, this Court is of the opinion that custodial interrogation of the petitioner would be required. No special case for grant of anticipatory bail is made out. The petition is *sans* merit and is hereby dismissed.

21.09.2021 **(GURVINDER SINGH GILL)**

VY **JUDGE**

Whether speaking/reasoned: **Yes/No**
Whether reportable: **Yes/No**