

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

CRM-M-54748-2019

Date of decision:08.07.2021

Sandeepan Sharma and another

...Petitioners

Versus

M/s Fragrance Exim Pvt. Ltd. and another

...Respondents

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Fariad Singh Virk, Advocate for the petitioners.

Mr. R.K. Kapoor, Advocate for respondent No.1.

HARNARESH SINGH GILL, J. (ORAL)

Case is taken up for hearing through video conferencing.

This is a petition under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioners in Complaint No.153 of 2016 dated 14.10.2016 under Sections 420, 406, 467, 471 IPC titled as 'M/s Fragrance Exim Pvt. Ltd. Vs. Punjab & Sind Bank and others' (Annexure P-1), in which the petitioners were summoned under Sections 420 and 34 IPC vide order dated 16.02.2019 passed by the learned Judicial Magistrate 1st Class, Chandigarh.

Vide order dated 20.12.2019 passed by this Court, the petitioners were directed to appear before the trial Court and on their doing so, the trial Court was directed to admit them on bail subject to their furnishing bail/surety bonds to its satisfaction.

Learned counsel for the petitioner submits that pursuant to the order dated 20.12.2019 passed by this Court, the petitioners appeared

before the trial Court on 04.01.2020 and had furnished their bail/surety bonds to its satisfaction.

Learned counsel for the complainant/respondent No.1 submits that counsel for the petitioners had made a misleading statement before this Court that the petitioners were not served, whereas they were duly served and evaded the process deliberately. It is further submitted that the order dated 20.12.2019 could not have been passed by this Court in view of the judgment of Hon'ble Supreme Court in 'Lachhman Dass Vs. Resham Chand Kaler and another' 2018(1) RCR (Criminal) 967.

I have heard learned counsel for the parties.

From the document (Annexure P.7), it would appear that the case has been found to be untraced one. The conclusion in the said report would read as under:-

“.....During the investigation conducted so far, it has been proved that there was no (*sic not any*) mala-fide intention on the part of any Bank officials in shifting the said amount from one account of the complainant to his other accounts. No loss has occurred to the complainant with said act of the bank. As such, the present case may be sent as untraced. However, necessary legal opinion may be sought from ADA/L to send the case as untraced please.”

As the directions contained in the order dated 20.12.2019 stand complied with, no further action is required, except making the order dated 20.12.2019 as absolute.

The petition is allowed in the aforesaid terms.

08.07.2021

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(HARNARESH SINGH GILL)

JUDGE

Whether reasoned/speaking?

Yes/No

Whether reportable?

Yes/No