

113 IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-3506-2022

Date of Decision: 28.01.2022

Sukhvinder Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Sunny K.Singla, Advocate,
for the petitioner.

Mr. Kirat Singh Sidhu, DAG, Punjab.

Mr. Praagbir Singh Dhindsa, Advocate,
for the complainant.

(Through Video Conferencing)

HARSIMRAN SINGH SETHI J. (ORAL)

The present petition has been filed on behalf of the petitioner under Section 438 of the Cr.P.C. for grant of anticipatory bail in FIR No.8, dated 10.01.2022, under Sections 408 and 34 of the IPC, registered at Police Station Amargarh, District Malerkotla.

Learned counsel for the petitioner argues that the petitioner was working with a Firm known as Beauscape Farms, Village Langrian, Post Office Amargarh, Tehsil and District Sangrur, since 25.11.1993. The said employer of the petitioner was dealing with preparing of the seeds for the purpose of export and the petitioner worked with the said employer for a period of more than 25 years and that too without any grievance on any account raised by the employer during his service. He further submits that

the services of the petitioner were terminated in August, 2020 without any

reason, for which act, the petitioner was availing his remedy and now, the present FIR has been filed with the allegation that while in service, the petitioner misappropriated the seeds worth Rs.28,00,000/-.

Learned counsel for the petitioner submits that the allegations alleged against the petitioner are false and as the petitioner is ready to join the investigation and cooperate with the same, he may kindly be granted the concession of anticipatory bail.

Learned State counsel submits that ample evidence of involvement of the petitioner with regard to misappropriation of the seeds has come on record during the investigation, as the mobile phones, which were provided to the petitioner and other employees for executing the jobs by the employer were taken back after the termination of the services, and text messages have been received on the same mobile phones with regard to selling of the seeds illegally by the petitioner and deposit of the amount account of the said illegal sale, which shows that the misappropriation was being done by the petitioner and he was receiving financial benefits as well in lieu of the same. He further submits that not only details of the misappropriated seeds is to be elicited from the petitioner but even the money received by him by selling those misappropriated seeds is also to be unearthed, for which custodial interrogation of the petitioner is necessary.

Learned counsel for the complainant submits that the petitioner has misappropriated the seeds which were in his custody while he was employed in the company and details of the misappropriation was given to the police authorities along with the complaint, which makes part of the FIR, according to which, seeds worth Rs.28,00,000/- have been misappropriated by the petitioner and have been sold in lieu of the financial

benefits.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

The allegations alleged against the petitioner are serious in nature, which involves misappropriation of the property entrusted to him while in employment of the complainant-company. Details of the misappropriation have been given by the complainant and the factum as to where the seeds were sold illegally by the petitioner, which property of the employer was under his possession, and what financial benefits he has obtained from the said illegal transactions, need to be elicited. The same can only be done, in case the investigating agency is given a stern hand.

Even the Hon'ble Supreme Court of India in *State represented by the C.B.I. Vs. Anil Sharma*, 1997(4) R.C.R. (Criminal) 268, has held that in case where serious allegations have been alleged and the truth needs to be elicited from the accused, the same can only be done through the custodial interrogation as compared to questioning a suspect, who is already on anticipatory bail.

Keeping in view the facts and circumstances of this case, the custodial interrogation of the petitioner is required to find out the truth behind the allegations levelled against him in the FIR.

No ground is made out to grant the relief of anticipatory bail to the petitioner.

Dismissed.

28.01.2022

Apurva

(HARSIMRAN SINGH SETHI)
JUDGE