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

CRM-M No.27876 of 2022 (O&M)

Date of decision: 01.07.2022

Harjit Singh

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Anshuman Chopra, Advocate
for the petitioner.

ARVIND SINGH SANGWAN J. (Oral)

Prayer in this petition is for grant of anticipatory bail to the petitioner in FIR No.0245 dated 09.11.2021 registered under Section 406 IPC at Police Station Division – A, Amritsar, District Amritsar.

Counsel for the petitioner has submitted that as per the allegations in the FIR, registered at the instance of the complainant Sandeepan Suri, it is stated that he is running a wholesale electrical goods business and had employed Harjit Singh since 26.01.2021 as collection agent. It is further stated that immediately before registration of the FIR, it has come to his knowledge that the petitioner was collecting amount from his customers through his personal google pay account as well as PNB bank account but did not account for the same with the firm of the complainant and in this process, the collected amount of Rs.6,96,646/- is not deposited with the firm and rather has given fake receipts and despite assurance, he has not returned the amount.

Counsel for the petitioner has further submitted that in

fact, the petitioner has not been paid the monthly salary of Rs.15,000/- apart from TA/DA and on that account, the present complaint has been filed. Counsel for the petitioner has also submitted that he has the instructions to say that the petitioner is ready to deposit the amount of Rs.1.00 lac with the Illaqa Magistrate subject to final outcome of the case as the dispute is of civil nature and there is a relationship of employer and employee between the complainant and the petitioner and any amount, if found due, can be recovered through Civil Court.

Notice of motion.

Mr. Joginder Pal Ratra, DAG, Punjab who is present in the Court accepts notice on behalf of the respondent – State while Mr. Vikram Bali, Advocate has appeared on behalf of the complainant.

Counsel for the State assisted by counsel for the complainant has, however, opposed the prayer for bail on the ground that the petitioner collected the amount on behalf of the firm of the complainant but did not deposit the same and thus, he has misappropriated the same.

Counsel for the complainant has also submitted that as per the statement of account of the firm i.e. Rama Electrical Industries, the aforesaid amount is found due against the petitioner, which was recovered by him during the month of March to June, 2021.

After hearing the counsel for the parties, it is apparent that the petitioner was employed as a recovery agent and the complainant's firm was not vigilant in maintaining day-to-day account/ledger of the firm when the petitioner was deputed to recover the amount from various business entities with whom the firm of the complainant is

having dealing. It is also apparent that the petitioner was appointed in January, 2012¹ and only in November, 2021 i.e. much after when the petitioner left the job of the complainant, the complainant as per own version in the FIR stated that it came to their notice that the petitioner has mis-appropriated some amount and therefore, the complainant himself was not vigilant while maintaining the day-to-day account and thus, he can recover the amount by way of availing his civil remedy.

Accordingly, the present petition is allowed and the petitioner is directed to appear before the trial Court within a period of 15 days from today and the trial Court will release petitioner on interim bail on his furnishing bail/surety bonds.

This will, however, be subject to the condition that the petitioner will deposit a sum of Rs.1.00 lac with the trial Court, which will be kept in the FDR subject to final outcome of the case.

Disposed of.

(ARVIND SINGH SANGWAN)
JUDGE

01.07.2022
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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No