

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

**204**

**CRM-M-36624-2020  
Date of decision: 10.05.2022**

**ASHISH KUMAR**

**... Petitioner**

**Versus**

**STATE OF HARYANA AND ANOTHER**

**.... Respondents**

**CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ**

Present: Mr. Sohan Singh Rana, Advocate  
Mr. N.K. Suneja, Advocate  
for the petitioner.

Mr. Ashish Yadav, Addl. A.G. Haryana.

**VINOD S. BHARDWAJ. J.(Oral)**

The instant petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail in case FIR No. 246 dated 30.11.2019 registered under Sections 406, 420, 467, 468 and 471 of the Indian Penal Code, 1860 at Police Station Ambala Sadar, District Ambala.

2. The petitioner was granted an interim indulgence and his arrest had been stayed vide order dated 16.11.2020. The petitioner was thereafter called upon to join investigation as and when required to do so. It is submitted by the petitioner that he was thereafter continuously joining the investigation on various occasions.

3. Further, it was noticed that a dispute was raised as to the date of issuance of the cheque. The claim of the petitioner was that he had executed the cheque at the time of his employment in the year 2011, whereas the

cheque in question had been issued in the year 2018. The counsel for State was directed to file a status report in this regard.

4. Pursuant to the said order, status report dated 19.08.2021 by way of affidavit of Sultan Singh, HPS, Deputy Superintendent of Police (Hqs), Ambala has been filed wherein it has been stated that the cheque question book itself was issued on 04.09.2015 and as such there was no occasion for issuance of the cheque in the year 2011 at the time of joining of the petitioner. The averment to the said extent made in the petition is patently incorrect.

5. It is however pointed out that while extending the concession of interim bail, the said aspect did not lay the foundation for grant of the said concession. The allegations were noticed about the embezzlement of the amount from the Petrol Pump and that the settlement in this regard having been arrived at pursuant to the cheque dated 06.11.2019 for amount of Rs.32,00,000/- in favour of the Petrol Pump was issued but was dishonored resulting in registration of the FIR on 30.11.2019. It is also pointed out that even thereafter the Panchayat was convened and the petitioner had agreed to pay an amount of Rs.12 lakhs but he failed to pay the same as well and only made a part payment of Rs.1,50,000/-. Hence, the interim order was not founded on the said aspect.

6. Taking into consideration the fact that the dispute pertains to monetary dues and the amount alleged to have been embezzled by the petitioner, which is liable to be proved on the strength of documentary evidence which is only in possession of the police, no purpose would be served by keeping the matter pending especially when the petitioner has been on interim bail for more than one and half year.

7. In view of the above, the interim order dated 16.11.2020 is confirmed.

The petition is allowed.

MAY 10, 2022  
*Vishal Sharma*

(VINOD S. BHARDWAJ)  
JUDGE

|                           |   |        |
|---------------------------|---|--------|
| Whether speaking/reasoned | : | Yes/No |
| Whether Reportable        | : | Yes/No |