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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M No. 40447 of 2022 (O&M)
Decided on: 22.11.2022

Arvind Aggarwal

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. P.S. Ahluwalia, Advocate
for the petitioner.

Mr. Navneet Singh, DAG, Punjab.

Mr. Manuj Nagrath, Advocate
for the complainant.

ARVIND SINGH SANGWAN, J. (Oral)

The petitioner prays for grant of anticipatory bail in FIR
No.195 dated 27.06.2022 registered under Sections 408 and 420 IPC at
Police Station Sahnewal, District Ludhiana.

The operative part of the order dated 06.09.2022, vide
which interim anticipatory bail has been granted to the petitioner, is
reproduced as under:-

*“....Counsel for the petitioner has argued that the
FIR has been registered on the statement of one Ravikant
Srivastava, being the authorized representative of M/s.
Avon Inspat and Power Limited, Ludhiana against the
petitioner with the allegation that the petitioner is working
as a Production Incharge for the last about 21 years and
the company had full faith on him, however, during the
course of his employment, the petitioner start taking the
orders directly from the customers and in that process, he
has earned the commission worth Rs.30-40 lacs. It is*

further submitted that in the entire petition, there is no detail with regard to the date, month or year when the said commission was taken and even, there is no detail of the customers from whom the said commission has been taken.

Counsel for the petitioner has also submitted that primarily it is a dispute of employer and employee and a perusal of the FIR would reveal that for the last 21 years, since the time when the petitioner was employed, there was no such complaint with the complainant's side in this regard and all of a sudden, this present FIR has been registered, without there being any legal evidence against the petitioner. It is further argued that the petitioner is to receive about Rs.15-16 lacs of gratuity from the respondent/employee, which has been forfeited by them and primarily, it is a civil dispute, if any.

Notice of motion....”

Counsel for the petitioner has submitted that, in pursuance to the order dated 06.09.2022, the petitioner has appeared before the Investigating Officer and has joined the investigation.

Counsel for the State has filed the affidavit of the Investigating Officer, today in the Court, which is taken on record.

Though, in the affidavit, the allegations in the FIR are reiterated, however, it is not disputed that the petitioner has joined the investigation.

In view of the above, this petition is allowed and the interim bail granted to the petitioner vide order dated 06.09.2022 is made absolute subject to the conditions envisaged under Section 438(2) Cr.P.C.

(ARVIND SINGH SANGWAN)
JUDGE

22.11.2022

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Whether speaking/reasoned

Yes/No

Whether reportable:

Yes/No