

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

CRM-M-42025-2022 (O&M)

Date of decision: 22.11.2022

Dinesh Rana

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Satbir Rathore, Advocate for the petitioner.

Mr. Harkanwar Jeet Singh, AAG Punjab.

Mr. Sandeep Berwal, Advocate for respondent No.2.

HARNARESH SINGH GILL, J. (ORAL)

Through this petition, the petitioner seeks anticipatory bail in case bearing FIR No.23 dated 05.03.2019, registered at Police Station Dhakoli, District SAS Nagar, under Sections 408 and 420 IPC.

The status report filed on behalf of the respondent-State is already on record.

Learned counsel for the petitioner submits that at an initial stage, the petitioner was granted *ad interim* pre-arrest bail, when he undertook to deposit Rs. 3 lakh subject to final decision of the case but the same has not been complied with and accordingly his bail was dismissed vide order dated 21.07.2022 and that order dated 21.07.2022 was challenged by the petitioner in the Hon'ble Supreme Court of India, wherein vide order dated 02.09.2022 the petition was dismissed as withdrawn with liberty to the petitioner to file a fresh bail petition before this Court.

In support of his case, learned counsel for the petitioner relies upon the judgment rendered by the Hon'ble Supreme Court in Arnesh Kumar Vs. State of Bihar and another 2014(3) R.C.R (Criminal) 527.

I have heard the learned counsel for the parties and have also gone through the documents on record.

Perusal of the paper-book would reveal that the petitioner was working as Maintenance Manager in the Spangle Heights Society. The issue raised by the counsel for the petitioner that the audit of the society was not done for a long time, but the question is that why this issue was not raised by the petitioner when he was an employee of the Society for the last 08 years. The petitioner at one juncture tendered an apology and issued three cheques for embezzled amount, which stands encashed by the Society. Later on, as because of lapse on his part, the petitioner again issued 12 cheques, but same could not be honored and returned by the bank with a remark 'Stop Payment'. The petitioner is in the habit of embezzling the funds of the society and now he is raising the issue that there is a dispute between the old and new management committee of the Society, which is not accepted.

Considering the very nature of the allegations contained in the FIR, the custodial interrogation of the petitioner is necessary. Hence, the petitioner does not deserve the concession of anticipatory bail.

In view of the above, the present petition is dismissed.

(HARNARESH SINGH GILL)
JUDGE

22.11.2022

Mangal Singh

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No