

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(231)

CRM-M-42845-2022 (O&M)

Date of decision: - 02.12.2022

Puneet Gupta

....Petitioner

Versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. Mandeep S. Sachdev, Advocate, for the petitioner.

Mr. Joginder Pal Ratra, Sr. DAG, Punjab.

Mr. R.S. Bajaj, Advocate, for the complainant.

VIKAS BAHL, J. (ORAL)

This is the first petition under Section 438 of Cr.P.C. for grant of anticipatory bail to the petitioner in case FIR No.68 dated 20.08.2022, registered under Section 409 IPC, at Police Station Lambra, District Jalandhar.

On 16.09.2022, this Court was pleased to pass the following order:-

“Inter alia contends that in the present case, a case of rendition of account has been sought to be given a criminal colour and the complainant in the present case is the real brother of the present petitioner and the dispute is purely civil in nature and no amount has been misappropriated by the petitioner. It is submitted that as per the allegations, an amount of Rs.79,18,000/- is stated to have been transferred from the partnership bank account into the personal account of the petitioner and his wife during the time period ranging between September 2018 and November, 2021 and in fact the

*said amount has been substantially spent for incurring the expenses of the firm, which was running a cold storage and the management of which even, as per the case of prosecution itself, was with the present petitioner. It is further submitted that the electricity expenses to the tune of Rs.60 lacs approximately have been paid by the petitioner through his credit card, which was transferred from the account of Gupta Cold Storage to that of petitioner for that very purpose. It is stated that the loans, which had also been taken for the benefit of firm, have also been repaid by the petitioner. It is further stated that the complainant is also running a petrol pump in which the petitioner is also a partner to the extent of 50% and account of the same are also to be settled, and thus, the same is primarily a civil dispute. Reliance has been placed upon the judgment of Delhi high Court in **Smt.Ira Juneja vs. State** reported as **2004(4) RCR (Criminal) 840** and judgment of this Court in **Shyam Singh and another vs. State of Haryana and another** reported as **2020(2) R.C.R. (Criminal) 421** to state that in such a situation it cannot be said that a criminal offence has been committed by the present petitioner. It is also stated that in the present case there is no specific allegation of entrustment of any specific amount to the petitioner, which could have been alleged to have been misappropriated. It is submitted that the auditing has been done for the last 2 years and no objection has been raised by any person and it is only now, after the wife of the petitioner has filed a complaint under Section 12 of the Protection of Women from Domestic Violence Act, 2005, in which the complainant is shown as respondent no.3 that the present case has been registered. It is further submitted that there are other disputes also which have arisen amongst the family. It is stated that the petitioner is ready to cooperate in the investigation.*

Notice of motion for 28.10.2022.

In the meantime, in the event of arrest, the petitioner is ordered to be released on interim bail subject to his furnishing personal bonds and surety to the satisfaction of Arresting / Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438(2) Cr.P.C.

It is open to the complainant to place on record the relevant

documents to show that the petitioner is not entitled to anticipatory bail.

September 16, 2022

**(VIKAS BAHL)
JUDGE"**

Learned counsel for the petitioner has submitted that in pursuance of the above-said order, the petitioner has joined the investigation.

Learned State counsel, on instructions from ASI Shingara Singh, has submitted that the petitioner has joined the investigation and is not required for further investigation.

Keeping in view the abovesaid facts and circumstances more so, the facts which have been noticed in abovesaid order dated 16.09.2022 and also the fact that the petitioner has joined the investigation and is not required for further custodial interrogation, the present petition is allowed and the interim order dated 16.09.2022 is ordered to be made absolute.

However, nothing stated above shall be construed as a final expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail application.

Pending application, if any, stands disposed of in view of the aforesaid order.

December 02, 2022
naresh.k

**(VIKAS BAHL)
JUDGE**

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No