

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

**CRM-M No. 47357 of 2021 (O&M)
Date of Decision: 16.05.2022**

Amardeep Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR

Present: Mr. Nakul Sharma, Advocate, for the petitioner.

Ms. Bhavna Gupta, Deputy Advocate General, Punjab

Mr. Amit Kumar Saini, Advocate for the complainant.

SURESHWAR THAKUR, J. (ORAL)

1. The petitioner, by filing the present petition under Section 438 Cr.P.C., seeks grant of anticipatory bail in case FIR No. 222 of 20.10.2021, which was registered against him, at Police Station Division A, District Police Commissionerate, Amritsar, constituting therein offences under Sections 408 / 120-B of the IPC.

2. This Court, through an order made on 11.11.2021, had granted ad interim bail to the bail applicant / petitioner.

3. The incriminatory role, as, attributed to the bail applicant – petitioner in the FIR (supra), is of his being incharge of the godowns maintained by the complainant – firm. However, co-accused, one Rajwinder Singh, and, one Lovejeet Singh, are alleged to issue the goods manufactured at the firm of the complainant, and, also despatch them to ***M/s. Mahajan Tiles and Sanitary Store, Qadian, Batala***, but the bill vouchers of goods sent to the above although became carried in an amount of Rs. 2,01,175/-, and, though the above moneys became received by one, Rajwinder Singh, and, one Lovejeet Singh, but only a sum of Rs. 40,000/- became deposited into the accounts of

the complainant-firm, whereas, the remaining sum of Rs. 1,61,175/- became allegedly mis-appropriated by Rajwinder Singh, and, Lovejeet Singh. In the above mis-appropriation(s), the present petitioner is alleged to conspire alongwith the above principal accused concerned.

4. Likewise, in respect of goods despatched to **M/s. Gian Parkash Tiles and Granite, Chheharta**, and, in respect whereof, bill vouchers carrying therein a sum of Rs. 2,91,598/- became prepared, and, also though the apposite goods became received at the destination concerned, but despite the entire monetary complement of the bill vouchers concerned, becoming received by co-accused Balwinder Singh, and, Lovejeet Singh, rather only a sum of Rs. 67,000/-, becoming deposited in the accounts of the complainant – firm, whereas, the remaining amount of Rs. 2,24,598/- becoming not deposited, and, rather the afore sum is alleged to be mis-appropriated, by one Rajwinder Singh, in connivance with co-accused, one, Lovejeet Singh.

5. Moreover, though to **Abhay Marble and Granite, Manawala**, goods worth of Rs. 1,76,925/-, became despatched, to the above firm, from the godowns of the complainant – firm, under bill vouchers of even amount, but, yet even after the entire monetary complement of the above vouchers, becoming received by co-accused, Rajwinder Singh, and, Lovejeet Singh, both of whom, prepared the above bill vouchers, yet only a sum of Rs. 40,500/- becoming deposited in the accounts of the complainant – firm, whereas, the remaining sum of Rs. 1,36,425/-, is alleged to become mis-appropriated by both, Rajwinder Singh, and, Lovejeet Singh.

6. Moreover, through the **Classic Tiles and Granite, Chand Avenue, Amritsar**, goods worth of Rs. 1,39,152/-, as, carried in bill vouchers of an equal amount, became purportedly despatched, and, also the amount

Rs. 40,000/- becoming deposited in the account of the complainant – firm, whereas, the remaining amount of Rs. 94,652/- becoming misappropriated, and, also the goods pertaining to the bill vouchers, becoming never received, by the owner of the above firm.

7. The incriminatory role, as assigned to the co-accused, one Rajwinder Singh, and, one Lovejeet Singh, is comprised in theirs embezzling the above sums of money, especially when they are the authors of the bill vouchers concerned. The incriminatory role, as, assigned to the present petitioner, is of his, also sharing alongwith them, the mens rea of committing the offence of mis-appropriation, given his being the incharge of the godowns, wherein, the goods existed.

8. A studied reading of the reply on affidavit, furnished to the petition on behalf of the respondent – State, and, the relevant portion whereof becomes alluded here-above, does not, at all this stage, reveal that the present petitioner shared with principal accused one, Rajwinder Singh, and, one Lovejeet Singh, rather any portion of the above referred embezzled sums of money.

9. Moreover, at this stage, there is no prima facie evidence existing on record, supporting the fact that the petitioner, had made the exitings of the goods concerned, from the godown of the complainant – firm, rather without his receiving any valid indent to make the apposite release(s), for their onward transmissions, to the above mentioned firms.

10. In consequence, prima facie, at this stage, the assignment of an incriminatory role to the present petitioner, even of his conspiring with one, Rajwinder Singh, and, one Lovejeet Singh, rather also is not made out.

11. Since, the prosecution at this stage has not adduced any material

on record, suggestive that in the event of the bail applicant being enlarged

on anticipatory bail, there is every likelihood of his fleeing from justice, and, or, tampering with prosecution evidence.

12. Cumulatively, this Court does not deem it fit to order for the custodial interrogation of the bail applicant. Contrarily, this Court is constrained to make absolute the order made by this Court, on 11.11.2021. The other terms and conditions made in the order of 11.11.2021, as, made, by this Court, shall also be continued to be abided by the petitioner.

13. Disposed of.

14. Any observation made hereinabove is in respect of the disposal of the instant petition, and, shall not be taken to be any observation on the merits of the case, and, neither, the IO concerned, shall be influenced by the afore made orders, nor the learned trial Judge concerned, shall be influenced from the afore orders, as and when the learned trial Judge concerned, enters upon the trial, against the accused.

15. Since, the main case itself has been disposed of, therefore, no order is required to be passed in the pending application(s), if any, and, the same also stand(s) disposed of.

May 16, 2022
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(SURESHWAR THAKUR)
JUDGE

<i>Whether Speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>