

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

2023:PHHC:050421

CRM-M-22-2023

Date of Decision: 12.04.2023

DEVENDER SINGH

... PETITIONER

V/S

STATE OF HARYANA

... RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Rupinder Kumar, Advocate and
 Mr. Fateh Saini, Advocate the petitioner.

Mr. Ranvir Singh Arya, Addl. AG Haryana.

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VIVEK PURI, J. (ORAL)

On 04.01.2023, following order was passed:

“Present petition is under Section 438 Cr.P.C. for seeking anticipatory bail to the petitioner in case FIR No.254 dated 22.09.2022 registered under Sections 406/506 IPC, at Police Station Ambala Sadar, District Ambala.

Learned counsel for the petitioner contends that the petitioner was appointed as Territory Sales Manager at Sirsa by Vikrant Agro Fertilizer. The allegations against the petitioner are to the effect that he had collected the amount from the customers of the aforesaid concern and had misappropriated the same. It has been submitted that the amounts due are from the customers at Ambala and the petitioner was appointed as Territory Sales Manager at Sirsa and had no concern with the business dealings of the aforesaid concern at Ambala. Even, the petitioner has not been named in the FIR and the details of the amount allegedly collected by the petitioner have also not been reflected in the FIR. There is nothing to indicate as to from which customer the petitioner had allegedly collected the amount and misappropriated the same. The aforesaid concern has also instituted the complaints under Section 138 of Negotiable Instruments Act from the customers from whom the amounts are due payable. Furthermore, the petitioner is not being paid salary and is being falsely implicated with an intention to usurp his salary.

Notice of motion.

Mr. Ranvir Singh Arya, Addl. AG, Haryana accepts notice on behalf of the respondent-State.

Adjourned to 12.04.2023.

Meanwhile, it is directed that in the event of arrest, the petitioner be admitted on interim bail on furnishing bail bonds to the satisfaction of the Arresting Officer subject to the condition that he joins the investigation and comply with other conditions as specified under Section 438(2) Cr.P.C. ”

Status report by way of affidavit of Joginder Sharma, Deputy Superintendent of Police, Ambala, on behalf of the State has been taken on record.

Learned counsel for the petitioner contends that in pursuance of the interim directions, the petitioner has joined the investigation.

Learned State counsel also submitted that as per the contents of the reply, the petitioner has joined the investigation but he had confessed that he had misappropriated the amount to the tune of Rs. 54,787/- and the same has not been got recovered.

Be that as it may, the controversy as to whether the petitioner has misappropriated the amount will be a debatable and moot point during the course of trial. The petitioner has joined the investigation in pursuance of the interim directions issued by this Court.

Considering above, the petition is allowed and the interim bail granted by this Court vide order dated 04.01.2023 is made absolute.

12.04.2023

Janki

(VIVEK PURI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No