

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

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**Neutral Citation No.:2023:PHHC:076419
CRM-M-11192-2023
Date of Decision:25.05.2023**

Amit Kumar

.....Petitioner

Vs.

State of Haryana

.....Respondent

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. P.K. Ganga, Advocate
for the petitioner.

Mr. Randhir Singh, Addl. AG, Haryana.

Mr. Amit Chaudhary, Advocate
for the complainant.

DEEPAK GUPTA, J.

Mediation has failed as has been stated by counsel for both the parties.

2. Prayer in this petition is for grant of anticipatory bail under Section 438 Cr.P.C in case FIR No.175 dated 10.05.2022 registered under Sections 406, 408, 420, 477-A of the IPC (subsequently added Section 120-B of the IPC) registered at Police Station Ellenabad, District Sirsa.

3. FIR was lodged on the complaint of Manish Kumar, who is the owner of petrol pump in Village Umedpur in the name of 'Badri Fuels'. Petitioner Amit Kumar was employed as an accountant to maintain the bank accounts of the petrol pump. On checking the daybook of the petrol pump,

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complainant found discrepancies. The accounts of the petrol pump were checked in detail and it was found that an amount of more than ₹11,00,000/- had been embezzled by the petitioner in conspiracy with his father - co-accused. In the FIR lodged by Manish Kumar, details have been given as to how much amount and on what particular date has been embezzled.

4. It is submitted by learned counsel for the petitioner that he has been falsely implicated; that he was simply working as a helper on the field of the complainant and sometimes used to work on the petrol pump as a helper. No amount was received by him nor any transaction was done and so there is no question of embezzlement.

5. It is further submitted by learned counsel for the petitioner that he had not been paid the wages for working in the fields of complainant, since long time due to which petitioner and his father had filed a petition before the authority under Payment of Wages Act, 1936 for payment of their wages.

6. Having heard learned counsels for both the sides, this Court does not deem it fit for grant of anticipatory bail.

7. It is noticed by this Court that though in the petition, it is claimed by the petitioner that he was simply working as a helper on the fields and on the petrol pump but in the claim petition (Annexure P-2) filed before the Hon'ble Authority under the Payment of Wages Act, 1936 it was admitted by the petitioner that he was employed as a salesman under the

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complainant since 01.04.2018.

8. Having regard to the allegations made in the FIR, custodial interrogation of the petitioner may be required to unearth the entire truth and so as to effect the recovery.

9. Therefore, without commenting anything on the merits of the case and keeping in view the circumstances above, the present petition is hereby dismissed.

May 25, 2023

Neetika Tuteja

**(DEEPAK GUPTA)
JUDGE**

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No