IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-33350 of 2023
Date of Decision: July 14, 2023

Deepak Sharma **...Petitioner**
Versus
State of Punjab **...Respondent**

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Ashish Gupta, Advocate for the petitioner.

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DEEPAK GUPTA, J.(Oral)

Prayer in this petition is for grant of anticipatory bail in case FIR No.170 dated 12.05.2023 registered under Sections 420, 408, 120-B IPC at Police Station City Faridkot, District Faridkot.

Although no formal notice has been issued but Shri R.S. Khaira, Deputy Advocate General, has appeared on behalf of the State. In view of the advance notice served upon him, Shri K.S. Brar, Advocate has also placed on record his Memo of Appearance on behalf of the complainant.

FIR was lodged on the complaint of Rajinder Kumar, owner of Trump Plaza Hotel, Faridkot, in which co-accused Dalgir singh was working as a Cashier whereas petitioner – Deepak Sharma was employed as a Manager. Allegations against the petitioner and co-accused are that they embezzled an amount of ₹50 lacs. It was alleged that for the last some time, there was considerable fall in the daily income of the Hotel, due to which the complainant became suspicious. In the hotel, customers used to make online payment via google pay, UPI, ATM etc.

Complainant came to know that petitioner and co-accused had been taking payment from the customers of the Hotel by online method of google pay in their own accounts without issuing any bill. They also used to take cash from the customers and putting the same in their own pockets. The factum of the receipt of heavy amount in the bank accounts of the petitioner and co-accused was also evident on perusal of their bank accounts and this factum was also captured in CCTV cameras installed in the hotels.

It is contended by learned counsel for the petitioner that though the petitioner was having three bank accounts but all three of them have since been frozen by the prosecution agency. It is further contended that petitioner used to withdraw the amount on account of the Hotel expenses for making payment of salary to the Hotel employees and other miscellaneous expenses. According to him, his bank accounts were being used by the complainant for receiving online payment so that he could evade the tax liabilities. Petitioner submits that he was maintaining the account for the amounts of the Hotel as well as for his own purpose which resulted in settlement dispute between the petitioner and complainant due to which he has been falsely implicated. Learned counsel also contends that this is a civil dispute which has been given the criminal colour.

After hearing learned counsel for the petitioner and going through the contents of the FIR, I do not find the present petition to be a fit case to grant anticipatory bail. It is not believable at this stage that petitioner will receive huge amounts of the Hotel in his personal account.

Except small amount of ₹20,000/- stated to be paid by petitioner to one of the staff, learned counsel could not point out utilisation of huge embezzled amount for hotel purposes.

Learned counsel could not answer as to the exact amount disbursed by him towards the salary of any of the employees and other expenses of the hotel.

No ground for anticipatory bail is made out.

Dismissed.

July 14, 2023 **(DEEPAK GUPTA)**
renu **JUDGE**

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