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

CRM-M-7-2023
DECIDED ON: 4th JANUARY, 2023

PARSHOTTAM CHOUBEY

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL.

Present: Mr. Sunil K. Mukhi, Advocate
for the petitioner.

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SANDEEP MOUDGIL, J

The jurisdiction of this Court has been invoked under Section 438 Cr.P.C. for grant of pre-arrest bail to the petitioner in FIR No. 214, dated 24.09.2022, under Sections 408 and 420 IPC, registered at Police Station Focal Point, Ludhiana.

Learned counsel for the petitioner has contended that the present case has been registered on the complaint of one Mr. Sunil Kapoor being Prop. of a firm-M/s Agri Parts Industries based at Ludhiana in which the petitioner was working as General Manager Marketing. The allegation against the petitioner is that he embezzled huge amount of the firm. The assertion is that in the firm, there are about 300 workers and out of them, 50-60 workers are on their permanent rolls and the provident fund, ESI and other taxes were being regularly deducted qua those 50-60 workers. It is asserted that the petitioner was getting salary to the tune of Rs.1,30,000/- per month, out of which only a sum of Rs.18,000/- was being paid to him through bank account and the rest of the amount was being paid to him in cash. Similarly, one Mr. Atinder Singh was getting salary of Rs.41,000/- in actual but out of the said amount, he was being paid through bank an amount of Rs.9200/- only and likewise, one Jagjit Singh who was working as BMC Operator who was getting salary of Rs.16,000/- but was being paid through bank Rs.8500/- only and rest of the amount was being to them in cash.

It is further asserted that the petitioner had also been provided a car for his use, by the firm. It is submitted that so many times, as and when required by the firm the petitioner transferred huge amount, through his bank account, into the account of his firm, which was later on returned to him. The petitioner has been terminated from his job in the month of December, 2021 without any notice. As such, allegations in FIR are false and the petitioner deserves the concession of anticipatory bail.

Notice of motion.

On the asking of Court, Mr. Rajiv Verma, DAG, Punjab accepts notice on behalf of respondent-State and submits that the petitioner had fraudulently obtained huge commission and had embezzled the amount of the firm. Thus, he has committed criminal breach of trust and the allegations against him are serious in nature, therefore, prayer for dismissal of the present petition has been made.

Heard learned counsel for the parties at length.

During the course of hearing, it is abundantly clear that huge transactions to the tune of Rs.1,13,00,000/- have taken place in the account of the petitioner and his daughter. There is nothing on record to show that the petitioner was getting handsome salary or the source of income of his daughter. The counsel for the petitioner has also failed to convince the Court about these entries. The allegations against the petitioner in such a situation are very serious in nature. To unearth all the ramifications involved in the present case, the custodial interrogation of the petitioner is necessary.

In view of afore-said discussion, this Court is of the considered view that the petitioner does not deserve the concession of pre-arrest bail. Accordingly, the present petition, being devoid of merits, is dismissed.

(SANDEEP MOUDGIL)
JUDGE

4th JANUARY, 2023
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Whether speaking/reasoned *Yes/No*
Whether reportable *Yes/No*