



201
IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH
CRM-M-33249 of 2024
Date of decision: 24.09.2024

Vishnu
....Petitioner

Versus

State of Punjab and another
....Respondents

CORAM: HON'BLE MRS. JUSTICE **AMARJOT BHATTI**

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

Mr. Neeraj Madaan, Senior DAG, Punjab.

AMARJOT BHATTI, J (Oral):

1. Petitioner-Vishnu has filed anticipatory bail application under Section 438 of Cr.P.C. in FIR No.53 dated 03.05.2023 under Section 408 IPC, registered at Police Station Khuian Sarwar, District Fazilka.
2. As per the facts of the case, Subhash Swami filed written complaint that Vijay Kumar and Vishnu were working on his petrol pump at village Gumjal. Both of them were appointed as salesman. Vishnu used to maintain accounts of his petrol pump. On the intervening night of 25/26.10.2022, he was present on night duty and in the morning he left the petrol pump after making entries regarding sale of diesel in Register. On checking, it was found that accused had committed fraud to the tune of Rs. 1,50,000/-. With these allegations, present FIR has been registered.
3. Learned counsel for the petitioner argued that he has already joined the investigation. False FIR has been registered against him. He was merely a salesman. He has not committed criminal breach of trust. His anticipatory bail application has been declined by learned Additional



Sessions Judge, Fazilka vide order dated 29.02.2024. He is still ready to abide by the terms of the bail order. Therefore, his anticipatory bail application may be allowed.

4. Bail application is opposed by learned counsel representing the State of Punjab. Status report has been filed. Matter was investigated by the Deputy Superintendent of Police, Sub-Division Abohar, District Fazilka. As per the record regarding sale of diesel from three machines, it was found that a sum of Rs. 1,59,700/- were embezzled from the sale proceeds of diesel. Petitioner did not cooperate in the investigation, therefore, his custodial interrogation is required.

5. I have considered the arguments and have gone through the record. There are specific serious allegations against the petitioner, who was working as salesman on the petrol pump. There is embezzlement of Rs.1,59,700/- out of the sale proceeds of diesel as per the status report. Allegations are specific and serious in nature.

6. Considering the specific allegations, I do not find it a proper case for grant of anticipatory bail and the same is accordingly declined.

(AMARJOT BHATTI)
JUDGE

24.09.2024
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1. Whether speaking/ reasoned : Yes /No
2. Whether reportable : Yes /No