

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

CRM-M-55659-2023
Date of Decision: 23.01.2024
2024: PHHC: 009837

Ram Asre

. . . . Petitioner

Vs.

State of Punjab

. . . . Respondent

CORAM: HON'BLE MR JUSTICE DEEPAK GUPTA

Present: - Mr. Amandeep Singh Rana, Advocate, for the petitioner.

Mr. Anmol Singh, Sandhu, AAG, Punjab.

Mr. Edward George Masih, Advocate, for the complainant.

DEEPAK GUPTA, J.

Prayer in this petition filed under Section 438 CrPC is to grant anticipatory bail in case FIR No.144 dated 05.10.2023 (Annexure P1) registered under Section 420/409 IPC at Police Station Doraha, Ludhiana.

2.1 FIR was lodged on the complaint of Baljit Singh Bhullar, the proprietor of Coresen Spinning Mills. It was alleged that petitioner as a cloth broker had been selling the cloth belonging to the firm of the complainant and an amount of ₹40,00,000/- was due towards him. Petitioner had told the complainant that he had to take this amount from M/s Guru Kirpa Fabrics, M/s Mamta Fabrics, M/s Ankush Traders and M/s Ineto Broker of Ludhiana. Complainant had also come to know that huge amount had been deposited by the petitioner in his accounts disproportionate to his income.

2.2 Inquiry was conducted in the aforesaid complaint and it was found that petitioner used to sell the cloth of the complainant-firm on

commission basis. During 27.10.2022 to 29.10.2022, he had received cloth worth ₹43,74,060/- for the purpose of selling, but did not deposit the amount to the firm. As per the petitioner, he had to receive the amount from different firms, but on inquiry, the traders named by the petitioner, were found to have already paid the amount to the petitioner. Petitioner gave a cheque No.20 dated 10.05.2023 from his account, but the same was dishonoured. It was also found during inquiry that petitioner had deposited some of the amount in his bank account in the Punjab National Bank and also in IndusInd Bank, Ludhiana. On the basis of inquiry, FIR was lodged.

3. It is contended by ld. counsel that he has been falsely implicated and that his documents have been used by the complainant to open fake bank account and that complainant asked him to put signature on some blank papers.

4. After hearing ld. counsel for the petitioner & ld. State counsel and also after going through the status report filed by the respondent-State, this Court is not inclined to grant the benefit of anticipatory bail to the petitioner, as his custodial interrogation may be required to recover the misappropriated amount.

Dismissed.

23.01.2024

Vivek

(DEEPAK GUPTA)
JUDGE

- 1. Whether speaking/reasoned?
- 2. Whether reportable?

Yes
No