

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

102+207

CRM-M-63136 of 2023 (O&M)
Date of Decision: 15.02.2024

Daya Singh

...Petitioner

Versus

State of Punjab

... Respondent

CORAM : HON'BLE MR. JUSTICE N.S.SHEKHAWAT

Present : Mr. Gopal Singh Nahel, Advocate
for the petitioner.

Mr. Japjot Singh, Assistant Advocate General, Punjab.

Mr. Sanjiv Gupta, Advocate, for the complainant.

N.S.SHEKHAWAT, J. (Oral)

CRM 3432 of 2024

1. Allowed, as prayed for, subject to all just exceptions.
 2. Additional affidavit of complainant alongwith annexures
- is taken on record.

CRM 4932 of 2024

1. Allowed, as prayed for, subject to all just exceptions.
2. Annxure P-8 is taken on record.

CRM 7206 of 2024

1. Allowed, as prayed for, subject to all just exceptions.
2. Affidavit of complainant/deponent in the shape of reply to CRM 4932 of 2024 alongwith annexures is taken on record.

CRM-M-63136 of 2023

1. The petitioner has filed the present petition under Section 438 Cr.P.C. with a prayer to grant him the concession of anticipatory bail in case FIR No. 229 dated 31.08.2023 under Sections 408, 420, 465, 468 and 471 IPC, Police Station Patran, District Patiala.

2. The FIR in the present case was registered on the basis of the complaint made by Chuhar Singh, wherein, he alleged that he is retired from Bank and is doing the work of agriculture alongwith business. He has a petrol pump under the name M/s Manesh HP at National Highway No. 52 village Duttal. He had employed Daya Singh as muneem on his petrol pump who was working there from the last 13 years and he was his distant relative. Four salesmen were working under Daya Singh and his number was registered in the limit of State Bank and he was taking care of each and every transaction and after the month he used to send the receipt of the benefit after settling the accounts. In the month of December 2022, one person met him on petrol pump and asked him about Daya Singh and he further disclosed the complainant that he had to take Rs. 5 lacs from the petrol pump and in lieu of that Daya Singh had given him a cheque of petrol pump. When complainant saw the cheque it was signed by Daya Singh by writing the name of Sukhvir Singh (son of complainant) and the signatures were not matching with the signatures of Sukhvir Singh. The cheque book of the firm was also in

custody of Daya Singh. When Daya Singh was asked about it, firstly he refused and from the next day he stopped coming on petrol pump and even did not give him any accounts of the petrol pump. Complainant moved application before DSP and in presence of some respectable and DSP, Daya Singh had admitted that he had borrowed money from many people and he had issued cheques of the petrol pump by signing as Sukhvir Singh. He had even admitted that M/s Manesh would HP Centre had no dealing with those people and he would settle the amount himself, but now he had refused to return the money to the public and told the public to agitate in front of the Petrol Pump with the help of Kissan Unions. Upon this some members of Kissan Union came on petrol pump and would threatened them that they would the shut down the petrol pump of complainant. The signatures on the cheques were also got verified from the expert. On the basis of application, enquiry was conducted, FIR was registered against the petitioner.

3. Learned counsel for the petitioner contends that the complainant himself is a fraudster and had committed fraud with the public at large. Even, the case has been got registered by him to safeguard his own interests. He next contends that in fact the petitioner himself is a victim at the hands of the complainant in the present case. Further, the complainant had levelled two main allegations, i.e., misusing the cheques of the firm namely, M/s

Manesh HP Centre and transferring of the money from the account of M/s Manesh HP Centre to personal account of the petitioner. Learned counsel contends that in fact the petitioner had never given the cheque to anyone. Still further, the petitioner had himself transferred an amount of Rs. 1,20,39,812/- to Hindustan Petroleum Corporation Limited and some other amounts were also transferred in the account of Jassi Filing Station, Rajpura, which is owned by the son of the complainant and some amount was transferred to Gurpreet Singh to clear the issues of M/s Manesh HP Centre and different amounts were transferred to several persons on the instructions of the complainant. Learned counsel further contends that the petitioner was closely related with the complainant and the entire amount was borrowed by the complainant himself. Still further, the dispute between the parties was with regard to the settlement of the accounts and the custodial interrogation of the petitioner will not serve any purpose.

4. On the other hand, a detailed status report has been filed by the State and the learned State counsel has submitted that during the course of investigation, the complainant also produced an affidavit dated 15.03.2023 executed by the petitioner, admitting his liability and forged ledger of the firm and cheques, which *prima-facie* make a case under Sections 408, 420, 465, 468 and 471 of IPC against the petitioner. Still further, the petitioner was working as a clerk (Muneem) with the petrol pump of the petitioner and had issued the

cheques by forging signatures of Sukhvir Singh son of the complainant and had borrowed various amounts from the public. The petitioner had not handed over the account books and other related records of the petitioner nor he was returning the cheque book of the firm. Still further, it has been stated that the custodial interrogation of the petitioner is required in the present case.

5. I have heard learned counsel for the parties and perused the record.

6. In the present case, specific allegations have been levelled against the present petitioner. The petitioner had misused the cheques of the firm of the complainant, namely, M/s Manesh HP Centre. He borrowed money illegally from several persons and had handed over the cheques to them, by forging the signatures of the son of the complainant. Apart from that, the complainant was having the records of the petrol pump, which has not been handed over by him to the police till date. Still further, there is sufficient material on record to show that the petitioner had also transferred various amounts from the account of M/s Manesh H.P. Centre to his personal account and caused huge financial loss to the complainant.

7. Thus, the petitioner not only committed the forgery of documents and misappropriated the huge amounts, but also had not handed over the records to the police during the course of

investigation. Thus, in the considered opinion of the Court, the custodial interrogation of the petitioner is required in the present case.

8. In view of the gravity of the offence as well as the need of custodial interrogation, the present petition deserves to be dismissed by this Court.

9. Dismissed.

15.02.2024

amit rana

(N.S.SHEKHAWAT)

JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No