



CRM-M-7931-2025

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

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CRM-M-7931-2025

Date of decision: 3rd March, 2025

Gurjant Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. N.S. Sodhi, Advocate for the petitioner.

Ms. Sakshi Bakshi, Assistant Advocate General, Punjab.

MANISHA BATRA, J (ORAL):-

The present petition has been filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') by the petitioner seeking grant of anticipatory bail in case bearing FIR No. 29 dated 04.03.2024 registered under Section 408 of IPC at Police Station City Malout, District Shri Muktsar Sahib.

2. As per the allegations, the petitioner was an employee of L&T Financial Services Ltd. (hereinafter to be referred as '*the company*') who used to collect money from the loanees of the company. He used to issue receipts to such loanees and then deposit the collected amount with the company. It came to the notice of the company that he had not been depositing the amount so collected. Inquiry was conducted and it was revealed that as against payment of installments received from 111 loanees, he had issued receipts only to 87 persons. On verification of record,



embezzlement of a sum of Rs. 2,58,813/- by the petitioner, had been established. After registration of FIR, investigation proceedings have been initiated and are underway.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. Infact, the Branch Manager of the company was offended with him for some unknown reason and in the month of January, 2023, had given direction to another employee-Sandeep to collect advance payment of installments from the same loanees, from whom the petitioner used to collect the same. The petitioner had collected installments of 87 persons, whereas, the above named Sandeep had collected installments of loan from 24 loanees. The entire amount of money was taken by the Branch Manager but the same was not entered in the office record and thereafter, the petitioner had been expelled from the office. He did not commit the subject offence. He is ready to join the investigation. His custodial interrogation is not required. No recovery is to be effected from him. Therefore, it is urged that he deserves to be extended benefit of pre-arrest bail.

4. Status report has been filed by respondent-State. It is argued by learned Assistant Advocate General, Punjab that there are serious allegations against the petitioner who being employee of the company and being interested with the duty to collect installments from customers, had collected the same but did not deposit those installments in the account of the company, thereby criminally misappropriated the same. The statements of the 111 loanee/customers affirming that they had made payment of installment but no receipts were issued, had been recorded. The investigation



so far conducted *prima faice* indicate that he had collected an amount of Rs. 2,58,813/- from the customers but did not deposit the same. His custodial interrogation is required for conducting thorough investigation of the matter and to know in which matter, he has committed the subject offence as well as for the recovery. No exceptional and extra ordinary circumstance has even otherwise been made out for the purpose of extending benefit of bail to the petitioner. Therefore, it is urged that the petition does not deserve to be allowed.

5. I have heard learned counsel for the parties at considerable length and have gone through the record carefully.

6. The petitioner is alleged to have assigned the duty of collecting installments from the loanees/customers of the company. He in connivance with the co-accused is alleged to have taken installments of an amount of Rs. 2,58,813/- from the different loanees but did not deposit the same with the company. The allegations against him are serious in nature. For the purpose of conducting proper investigation in the matter and to elicit the truth about the manner in which conspiracy was hatched by the petitioner to cause wrongful loss to the company, his custodial interrogation is must. It is well settled proposition of law that the powers of anticipatory bail are extra ordinary and the same are to be exercised sparingly in exceptional circumstances. The judicial discretion conferred upon the Court has to be properly exercised after application of mind as to the nature and gravity of the accusation, possibility of applicant fleeing from justice and other factors to decide whether it is a fit case for grant of anticipatory bail, as such grant, to some extent interferes in the sphere of investigation of an offence. The



Court must be circumspect while exercising such power for grant of anticipatory bail and it should not be granted as a matter of rule and has to be granted only when the Court is convinced that exceptional circumstances exist to resort to that extra ordinary remedy. In the present case, no such exceptional circumstances warranting exercise of the powers for grant of anticipatory bail by this Court are existing. As such, I am of the considered opinion that the petition does not deserve to be allowed. Accordingly, the same is dismissed.

7. It is, however, clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

8. Since the main petition has been dismissed, pending application if any is rendered infructuous.

[MANISHA BATRA]
JUDGE

3rd March, 2025

Parveen Sharma

1. Whether speaking/ reasoned

: Yes / No

2. Whether reportable

: Yes / No