

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

**CRM No. M-20774 of 2015
DECIDED ON: JULY 06, 2015**

PARVEEN KUMAR

.....PETITIONER

VERSUS

STATE OF HARYANA

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH.

Present: Mr. Sharad Aggarwal, Advocate
 for the petitioner.

 Mr. Shivendra Swaroop, AAG, Haryana

JASPAL SINGH, J (ORAL)

Instant petition has been preferred by Parveen Kumar presently lodged in District Jail, Karnal, seeking regular bail in case FIR No. 103 dated February 06, 2014 under Section 306 read with Section 34 IPC registered at Police Station Chandni Bagh, Panipat, District Panipat.

2. Shortly put the allegations contained in FIR are that in the month of April 2009 Shiv Kumar son of Jyoti Parsad and husband of complainant started commission agency under the name and style of Vedpal Vinod Kumar which continued upto January 2010. Thereafter, they separated their business. The said firm was with her husband while Shiv Kumar started another firm under the name and style of M/s Nathu Ram Jyoti Prasad. Subsequent thereto, petitioner was appointed Muneem who kept on working with both these above-said firms.

However, in the month of June 2013, Vedpal husband of complainant came to

know about the fraud committed by Shiv Kumar and petitioner. On account of which they both issued four cheques bearing No. 507867, 507868, 507869 and 507921 to her husband which on presentation were dishonoured. They also asked her husband not to take any legal action against them and to settle the matter amicably. On July 26, 2013, petitioner also confessed his guilt of fraud in writing and then he started harassing Vedpal. On account whereof, Vedpal used to remain under depression. He also used to tell his wife (complainant) that he is under mental disturbance, as Shiv Kumar and petitioner were not returning the amount so misappropriated by them. On February 04, 2014 an information was received by complainant that her husband Vedpal has put an end to his life in his shop. Accordingly case was registered and investigation was put into motion. After completion of investigation report under Section 173 (2) Cr.P.C. was presented qua petition where his co-accused Shiv Kumar could not be arrested.

3. The contention of learned counsel for the petitioner is that petitioner is innocent and has needlessly been embroiled in instant controversy. In fact, he has been working as an Assistant to various Munshi/Clerks in Grain Market, Panipat and is only a matriculate. He has been implicated in this case by complainant with an oblique and ulterior motive and with malafide intention. In fact, main accused Shiv Kumar who is at large has been doing the business of commission agent in Grain Market, Panipat met petitioner and said that he had opened a firm by the name and style of M/s Vedpal Vinod Kumar in partnership with Vedpal (deceased). He further disclosed to petitioner that he and his partner are in search of Munshi/Clerk. The job to petitioner was offered by Shiv Kumar in the year 2009. Since, Vedpal (deceased) never instructed petitioner to maintain any account of firm, it was only in the month of June 2013 deceased confronted

the petitioner about the manner in which he was maintaining the account of above-said firms upon which it was informed by petitioner to him that he was doing so on instructions of Shiv Kumar. Being under impression that main accused Shiv Kumar was running the business of both the above-said firms in partnership with him. Petitioner never embezzled any amount of any of the firms and used to maintain the accounts regularly and embezzlement if any, was made by Shiv Kumar whose whereabouts are not known. The cheques were issued by petitioner and his confession was suffered being under social pressure of petitioner. In fact petitioner is nothing to do with the alleged embezzled amount. He is ready to abide by all the terms and conditions imposed by this Court, in case he is granted the concession of bail.

4. Learned State counsel has strongly opposed the various submissions made by petitioner and has submitted that petitioner in connivance with Shiv Kumar embezzled an amount of rupees more than one crores. He has been maintaining the accounts and the amount was also embezzled by him in connivance with Shiv Kumar. Moreover, four cheques were also issued by petitioner; besides, confession of his guilt. The amount is still required to be recovered. Accordingly, he prays for dismissal of instant petition.

5. This Court has given an anxious thought to the submissions made by learned counsel for the parties and have perused the record available on file.

6. It is an undisputed fact that initially Shiv Kumar and Vedpal (deceased) constituted a partnership firm and started working as commission agents in the name and style of M/s Vedpal Vinod Kumar, which continued its business upto January 2010. Thereafter, they were separated and firm M/s Vedpal Vinod Kumar remained with her husband whereas, Shiv Kumar

started another firm under the name and style of M/s Nathu Ram Jyoti Prasad. It is also an undisputed fact that petitioner was appointed as Clerk/Munshi who was maintaining the accounts of both the firms. The embezzled amount of firms was detected in the month of June 2013 committed by Shiv Kumar and petitioner who issued four cheques to Vedpal (deceased) when the aforesaid cheques were presented in the bank for encashment, the same were dishonoured. The matter was taken up in Panchayat where, petitioner also admitted his guilt and confessed to have embezzled amount as well as with regard to his commission of fraud and executed a writing in this regard. It was only due to the said reason, deceased started remaining under mental depression and ultimately put an end to his life when he was present in his shop. There is serious and specific allegations levelled by complainant who is none else but wife of deceased qua Shiv Kumar as well as petitioner. Due to the alleged commission of fraud and embezzlement of huge amount, deceased ended his life.

7. In view of serious and specific allegations and especially the confessional statement of petitioner, this Court does not deem it a fit case to extend the concession of bail to petitioner.

8. Accordingly, instant petition stands dismissed.

9. However, it is also made clear that any observation made by this Court shall have no binding effect on merits of the case and shall remain limited to the disposal of instant case.

JULY 06, 2015
SHAM

(JASPAL SINGH)
JUDGE