

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

CRM-M No.22306 of 2015

Date of decision: 9th December, 2015

Gulab Singh

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

1. Whether Reporters of Local Newspapers may be allowed to see the judgment?
2. Whether to be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

Present: Mr. Shiv Kumar, Advocate
for the petitioner.

Mr. Deepak Sabharwal, Addl. Advocate General, Haryana.

Mr. Adarsh Jain, Advocate
for the complainant.

FATEH DEEP SINGH, J.

Allegations against the petitioner Gulab Singh in this petition filed under Section 438 Cr.P.C. seeking anticipatory bail in case FIR No.304 dated 27.06.2015 registered at Police Station Sector 55, Faridabad under Sections 420/408/34/467/468/471 IPC, are that a complaint was made by Director, M/s Cenlub Industries Ltd., Sector 58, Faridabad that Gulab Singh petitioner while posted as Manager, Human Resources-cum-Administrator of the complainant Company was entrusted with the duties of In-charge of Personnel as well as

entire record of the personnel was being maintained by him and was authorized and given the powers of checking bills produced by the contractors regarding the strength of contractual labour employed by their contractors M/s SAY H.R. Networks and M/s S.S. Associates and on the basis of their muster rolls was supposed to verify and clear the bills. It was during the course of audit on 04.05.2015, it was revealed that the petitioner has misused his position and in connivance for an ulterior illegal gain has shown non-existent persons on the rolls including his two sons, and thus, in all has caused financial embezzlement of a sum of ₹32.00 lacs leading to registration of the present case.

Learned State counsel has stoutly opposed grant of bail to the petitioner on the grounds that investigations are still underway and that the entire modus-operandi of this scandal is to be unearthed including recovery of the documents and valuable money of the Company and thus, sought custodial interrogation of the petitioner.

Learned counsel for the petitioner has submitted that the petitioner has been falsely implicated due to inter-se rivalry within the staff and being a Human Resource Manager, had no role to play in drawing the amount which is the prerogative of Accounts Branch, which used to verify the muster rolls and payment so due.

Appreciating the submissions of the two sides, admittedly the petitioner was entrusted with the job of Manager, Human Resources being employed by the company and under the garb of contractual employment the work-force being engaged through private

contractors too fell under his jurisdiction and thus, the fraudulent verification of the muster rolls by him without cross-checking the actual work-force employed, especially regarding non-existent persons, are matters of serious consequence. Custodial interrogation of the petitioner is essential as allowing the bail application would tinker with the further investigations for which custodial interrogation is very much essential. Moreover, provisions under Section 438 Cr.P.C. are to be sparingly used.

Finding no merits, the present petition stands dismissed.

(FATEH DEEP SINGH)
JUDGE

December 9, 2015

rps