

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM No.M-26119 of 2015 (O&M)
Date of Decision: August 17, 2015

Avinash Bala Sharma

...Petitioner

VERSUS

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.J.S.Bedi, Senior Advocate with
 Mr.Sunil Sihag, Advocate
 for the petitioner.

Mr.M.S.Sidhu, Addl. Advocate General, Haryana
 for the respondent-State.

INDERJIT SINGH, J.

Petitioner has filed this petition under Section 438 Cr.P.C. for grant of anticipatory bail in case FIR No.131 dated 16.06.2014 under Sections 420, 467, 468, 471 and 120-B IPC, registered at Police Station Naraingarh, District Ambala.

Notice of motion was issued and learned State counsel appeared and contested the petition.

Police record is also available.

At the time of arguments, learned counsel for the petitioner argued that the petitioner has retired from the service on 30.06.2013. The account in the name of Assessing Authority was opened in the Bank by co-accused Vinod Mittal later on. He next argued that there

is no evidence on the record except the confession of the co-accused involving the present petitioner. It is also argued that when the petitioner has already retired, therefore, she cannot embezzle the amount of the department.

On the other hand, learned State counsel argued that during investigation, it was found that an huge amount of about ₹1.86 crore has been embezzled and the accused have not deposited the amount in the treasury which was collected from the customers. Vinod Mittal, Advocate and present petitioner have connived with each other. The petitioner has not deposited the huge amount which was received through online payments and further she gave receipts which are bearing her signatures. As such, the amount has been misappropriated.

I have heard learned counsel for the petitioner as well as learned State counsel and have gone through the record.

I have also gone through the police file. There are so many statements recorded under Section 161 Cr.P.C. involving present petitioner. There is also enquiry by the department and so many documents have been collected during the investigation.

At this stage, from the police record, I find that the custodial interrogation of the petitioner is necessary. The allegations have been levelled against the petitioner in the FIR as well as statements under Section 161 Cr.P.C. recorded by the police, which are on the police file.

Keeping in view the nature and gravity of the offence, I do

not find it a fit case where petitioner is entitled to grant of anticipatory bail.

Therefore, finding no merit in the present petition, the same is dismissed.

August 17, 2015
Vgulati

(INDERJIT SINGH)
JUDGE