

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

Criminal Misc. No.M-34088 of 2016

Date of Decision: 08.11.2016

Deepak Kumar

...Petitioner(s)

Versus

State of Punjab

...Respondent(s)

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

Present:- Mr. Rajeshwar Singh Thakur, Advocate
for the petitioner.

Mr. Gurinderjit Singh, DAG, Punjab.

Mr. Rajeev Anand, Advocate for the complainant.

HARI PAL VERMA, J.

Prayer in the present petition filed under Section 439 of the Code of Criminal Procedure, 1973 is for grant of regular bail to the petitioner in case FIR No.112 dated 10.10.2015 under Sections 381, 406, 420, 120-B IPC registered at Police Station Phase XI, SAS Nagar, Mohali.

Learned counsel for the petitioner has stated that the allegations against the petitioner are incorrect. He was an employee of the complainant in the year 1999 and was serving him. After his marriage, his wife also started working in the same office. They used to do all the household works and in addition to that, the petitioner was also working as a driver with the complainant. During the long duration of services rendered by the petitioner, no complaint was ever made by the complainant against the petitioner. However, the present FIR was registered at the instance of daughter of the complainant who is an NRI lady and resident of

Sweden. Son of the complainant is living in USA. In the year 2015, daughter of the complainant came back to India and when she came to know that the complainant had given some gifts to the petitioner for the service rendered by him, she did not like it. She started threatening him and obtained his signatures, on the basis of which the present FIR was registered, though the complainant was never interested to file any such FIR. The complainant is a retired Naval officer aged about 92 years. In recognition of the help extended by the petitioner the complainant has given declaration dated 28.7.2015 (Annexure P-2). The complainant had also given an affidavit dated 4.8.2015 (Annexure P-3) attested by the Notary Public to the effect that the petitioner was serving him honestly and with great dedication. Learned counsel for the petitioner has argued that in fact, the problem started when daughter of the complainant came to India and she noticed intimacy of the petitioner vis-à-vis the complainant, which she did not like and this resulted in registration of the present FIR.

On the other hand, learned counsel for the complainant Mr. Rajeev Anand, Advocate has argued that the petitioner was instrumental in diverting huge amount from the account of the complainant into his own account. The bank record reveals that Rs.31 lakhs has been diverted by the petitioner from the account of the complainant into his account. The petitioner was also running a fraudulent business from the house of the complainant and has purchased unauthorized properties in Chandigarh and Mohali, though he was drawing a meagre salary. The petitioner has siphoned off more than Rs.1 crore from the account of the complainant and therefore, he does not deserve the benefit of bail.

I have heard learned counsel for the parties.

The allegations against the petitioner are that he has committed breach of trust and has siphoned off huge amount of more than Rs.1 crore from the account of the complainant into his own account. The details of the bank account of the petitioner produced by learned counsel for the complainant revealed that substantial amount has been siphoned off by the petitioner into his own account from the account of the complainant. Earlier, the petitioner was admitted on interim bail for a period of four weeks vide order dated 30.3.2016 passed by this Court in CRM-M-1065-2016 *Deepak Kumar v. State of Punjab* wherein he had undertaken that in case interim bail is granted to him, an additional amount of Rs.30 lakhs shall be paid by him to the complainant, but the petitioner has not complied with the said undertaking and therefore, the said petition was dismissed vide order dated 16.5.2016. The petitioner has tried to justify his claim on the basis of declaration dated 28.7.2015 (Annexure P-2) and affidavit dated 4.8.2015 (Annexure P-3) executed by the complainant. However, the authenticity of such declaration/affidavit can be ascertained only during trial. Therefore, taking into consideration the nature of allegations against the petitioner, which are quite serious in nature, this Court finds that the petitioner does not deserve to be released on bail.

Accordingly, the present petition is dismissed.

November 08, 2016
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(HARI PAL VERMA)
JUDGE

Whether speaking / reasoned?

Yes / No

Whether reportable?

Yes / No