

CRM-M-8397-2016 (O&M)

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

**CRM-M-8397-2016 (O&M).
Decided on: July 15, 2016.**

Varun Anand

..... Petitioner(s)

Versus

State of Haryana

..... Respondent(s)

*** * ***

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI

**PRESENT Mr.R.S.Rai, Sr. Advocate, with
Mr.Karan Pathak, Advocate,
for the petitioner.**

Mr.G.S.Salwara, DAG., Haryana.

**Mr.Vaibhav Narang, Advocate,
for the complainant.**

M.M.S. BEDI, J (ORAL).

Petitioner is husband of Bubleen Kaur. He seeks concession of pre-arrest bail in FIR No.124 dated 10.4.2015, under Sections 406, 420, 408 and 120-B of the Indian Penal Code and under Sections 66, 66C and 66D of Information Technology Act, Police Station, Udyog Vihar, District Gurgaon, which was registered at the instance of Rahul Bakshi on behalf of M/s Interglobe Technologies Private Limited, Gurgaon, alleging that fraudulent vouchers had been obtained from the customers of the company and unauthorizedly refunds have been taken by employees of M/s Interglobe Technologies Private Limited, Gurgaon, and that the

CRM-M-8397-2016 (O&M)

company had received a complaint regarding fraudulent activity being conducted by the employees and ex-employees.

Learned senior counsel Mr.R.S.Rai, appearing on behalf of the petitioner has contended that the main allegations are against wife of the petitioner who was an employee of the complainant company. The petitioner has been involved in the case only because he is a former employee of the complainant company and had left the company in April 2014, after his work and dedication had been appreciated.

It has been further argued by learned senior counsel that the name of the petitioner has been involved in the case along with his wife Bubleen Kaur on the basis of alleged disclosure statement made by her to the effect that the money embezzled by her had been siphoned of by her husband and out of total amount of Rs.12,75,000/-, a sum of Rs.60,000/- had been transferred in her account. It has been urged that even as per the allegations of the complainant company, the company was not authorized or supposed to issue any redemption of nectar vouchers and an attempt has been made by the investigating agency to mislead the Court. Counsel for the petitioner has made an attempt to explain that there are two types of vouchers i.e. Customer Relations Travel Voucher (called Good Will Vouchers) and Nectar Redemption Vouchers. It was urged that the Customer Relation Travel Vouchers could be issued by the Team Leader/ Manager of the

CRM-M-8397-2016 (O&M)

complainant company on his discretion and authorized by the complainant company's client Expedia and the Nectar Vouchers can be issued by any other business partner of Expedia. It was urged that the company has not got any evidence to prove that the petitioner has ever used Nectar Vouchers and that the story of the prosecution is improbable.

I have heard the learned senior counsel appearing on behalf of the petitioner and carefully gone through the record as well as the police file.

Without entering into the niceties of the trial to determine the culpability of the petitioner, at this stage, I am of the opinion that no doubt Bubleen Kaur had been an employee of the complainant company but she has made a confessional statement to the effect that the petitioner had connived with her and transferred money by online transfer mode. It has further been admitted that the petitioner had given a sum of Rs.60,000/- to Bubleen Kaur out of the amount. The said amount had been deposited in her account and had been withdrawn by ATM by her husband on different occasions. The admissibility and reliability of the testimony of main accused Bubleen Kaur cannot be determined, at this stage.

No doubt Bubleen Kaur had been granted concession of regular bail after having remained in custody but in view of the overwhelming evidence available on record regarding the involvement of Varun Anand, having withdrawn

CRM-M-8397-2016 (O&M)

sum of Rs.60,000/- fraudulently, it cannot be said that he has got no concern with his co-accused Bubleen Kaur who had been arrested and recoveries have been effected.

I have also gone through the other transactions indicating that the petitioner has been beneficiary of the number of transactions. It will be pre-mature to express any opinion that it is only the wife of the petitioner who has cheated the complainant. The involvement of the petitioner is apparent from the evidence gathered. The petitioner cannot claim parity with his wife who had been granted concession of regular bail.

No ground is made out to grant the concession of pre-arrest bail to the petitioner. The petition is dismissed.

Nothing mentioned in this order will prejudice the right of the petitioner to seek concession of regular bail by surrendering before the court of competent jurisdiction.

July 15, 2016.
rka

(M.M.S. BEDI)
JUDGE