

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

CRM-M No.13983 of 2017

Date of decision: 22nd December, 2017

Adesh

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Dr. Anmol Rattan Sidhu, Senior Advocate with
Mr. Raghav Gulati, Advocate for the petitioner.

Mr. Munish Sharma, Asstt. Advocate General, Haryana
for the respondent/State.

FATEH DEEP SINGH, J.

Allegations against the petitioner Adesh in this regular bail application filed under Section 439 Cr.P.C. in case bearing FIR No.22 dated 16.01.2016 registered at Police Station Ambala Cantt., District Ambala under Sections 409, 420, 201 IPC, are that Deputy Excise and Taxation Commissioner, Ambala lodged a complaint that receipt books of the department so issued and supposed to be deposited back after their completion were found to have not been deposited back and that the accused who was Nazar posted from 28.07.2011 to 25.03.2016 had issued fresh receipt books without taking old/used receipt books, without proper application and thus in the process all the accused managed to embezzle Rs.35.00 lacs which they never deposited, leading to his arrest on 10.03.2017.

It is contended by learned counsel for the petitioner Dr.Anmol Rattan Sidhu, Senior Advocate assisted by Mr. Raghav Gulati, Advocate that the petitioner was never entrusted with the cash and only issued receipt books and there is no allegation of having fabricated or forged the same and it is duty of the official collecting the money through receipt books who is supposed to deposit the money along with the receipt books and that the petitioner is behind bars since more than 9 months and the trial is not likely to conclude in the near future.

The same is stoutly opposed by learned State counsel Mr.Munish Sharma, Assistant Advocate General, Haryana on the grounds of seriousness of the allegations and heinousness of the offence, spelling out that the petitioner is instrumental in the embezzlement though nothing has been recovered from him but was conniving in loss of G4 receipt books of VAT and if allowed bail would influence the witnesses.

Appreciating the submissions, the apparent allegations are that the receipt books were never deposited/returned back to the department, which were earlier handed over to the collecting officers who were supposed to levy fine. Learned State counsel does not dispute the fact as to the role of the petitioner who was only a Nazar and was supposed to get back the used receipt books after the same were exhausted. The petitioner is behind bars since a long time and nothing incriminating has been recovered at his behest. The investigation and so the trial is not likely to conclude in the near future and the culpability if any shall be determined at the time of trial. In view thereof, this Court is

of the opinion that further detention of the petitioner in the present case is unwarranted. Accordingly, he is ordered to be released on regular bail to the satisfaction of Chief Judicial Magistrate/Duty Magistrate, Ambala.

The petition stands disposed off accordingly.

(FATEH DEEP SINGH)
JUDGE

December 22, 2017

rps

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No