IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Crl. Misc. No.M-42755 of 2017 (O&M)
Date of Decision: November 21, 2017.

Satish

..........PETITIONER(s).

VERSUS

State of Haryana

........RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Vijay Kumar Jindal, SeniorAdvocate with
Mr. Gopal Soni, Advocate
for the petitioner (s).

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SURINDER GUPTA, J.(Oral)

The present petition has been filed under Section 439 Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 191 dated 11.04.2017 registered for the offences punishable under Sections 406, 420, 467, 468, 471, 384, 506 read with Section 120-B of Indian Penal Code, at Police Station Gharaunda, District Karnal.

Heard.

Notice of motion.

On asking of the court, Mr. Deepak Grewal, DAG, Haryana, who is present in the Court accepts notice and submits that intimation by Registry informing of fixation of the petition has already been received and record of the case is available with him.

FIR was registered on the complaint of Anil Kumar son of Krishan Lal, wherein he has stated that he and his brother are owners of M/s

Laxmi Auto Mobiles, Gharaunda, District Karnal and business of the firm was being looked after by Vikas Kumar and Satish Kumar. Both have embezzled amount of ₹3,12,00,000/- by forging signatures of complainant and his brother on cheques and various documents. In the agreement dated 24.12.2016, aforesaid accused have admitted the embezzlement. They also admitted that out of the embezzled amount they have withdrawn for payment of VAT a sum of ₹1,32,00,000/- but not deposited this amount in the account of Haryana Government. They have also not deposited amount collected from persons, who purchased motorcycles from the firm of complainant. On 18.03.2017, petitioner Satish Kumar alongwith co-accused, came in their car and threatened complainant not to demand the money otherwise they will finish his entire family or commit suicide and involve them in false cases.

Learned counsel for the petitioner submits that as per prosecution case, ₹44 lakh have been deposited by the petitioner and financier also deposited ₹93 lakh in the account of the firm of the complainant. Now, the dispute pertains to the VAT amount which could never be in possession of petitioner. After completion of investigation, challan has already been presented on 15.07.2017. The conclusion of trial will take a long time and no purpose would be served by keeping the petitioner in custody.

Learned State counsel submits that there was embezzlement of more than ₹3 crores 12 lakhs, out of which ₹1 crore 75 lakhs is yet to be accounted for.

Petitioner in this case was arrested in 21.05.2017. After completion of investigation, challan has already been presented and trial is in progress. It has been submitted that investigation against other accused is also pending.

Keeping in view the above facts and period of incarceration of petitioner but without expressing any opinion on merits of the case, the present petition is allowed. Petitioner Satish is ordered to be released on regular bail on furnishing bail bond and surety bond to the satisfaction of concerned trial Court/Chief Judicial Magistrate/Duty Magistrate, subject to following terms:-

a. The petitioner shall comply with the conditions mentioned in Section 437(3) Cr.P.C.
b. In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn. The trial Court shall be competent to cancel his bail bond and surety bond and proceed to procure his presence in accordance with law. In that eventuality the petitioner shall have to apply for bail afresh.
c. He shall not leave the country without the prior permission of the Court.

(SURINDER GUPTA)
JUDGE

November 21, 2017
Sachin M.

Whether speaking/reasoned: ***Yes/No***

Whether Reportable: ***Yes/No***