

Crl. Misc. No. M-12034 of 2018

(1)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl. Misc. No. M-12034 of 2018

DATE OF DECISION:14.05.2018

Ashish Verma

.....Petitioner

Versus

State of Haryana

.....Respondent

BEFORE:- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present:- Mr. Bikram Chaudhary, Advocate
for the petitioner.

Mr. Sanjay Kumar Saini, AAG, Haryana.

DAYA CHAUDHARY, J.

The present petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in case FIR No. 425 dated 26.5.2017 registered under Sections 406/419/420/467/506/120-B IPC at Police Station Saran, District Faridabad.

Learned counsel for the petitioner contends that the petitioner has falsely been implicated in the case, whereas, he has not played any role. The only allegation against the petitioner is that his co-accused, namely, Anil Sharma has deposited the amount in his account and thereafter the same was transferred in the account of third person. Learned counsel further contends that the amount has been transferred because of undue influence and the petitioner is not the beneficiary in any manner and has not

utilized that amount. Learned counsel also contends that co-accused of the petitioner, namely, Anil Sharma, who is the main accused, has been released on regular bail and the petitioner is ready to join the investigation.

Learned counsel for respondent-State has opposed the submissions made by learned counsel for the petitioner on the ground that the petitioner cannot claim parity with co-accused Anil Sharma, who has been released on regular bail. The petitioner has joined the investigation on three occasions but challan qua him has not been presented as it has not been clarified by him as to why the amount was deposited and why the same was transferred subsequently in the account of third person. The transactions made have not been explained. Learned State counsel also submits that the petitioner was having knowledge that the amount was deposited in his account and intentionally the same was transferred in the account of M/s Karvy Financial Limited.

Heard the arguments advanced by learned counsel for the parties and have also gone through the contents of the FIR and other documents available on the file.

Admittedly, the petitioner cannot claim parity with co-accused Anil Sharma, who has been released on regular bail. The amount has been deposited in the account of the petitioner and subsequently the same has been transferred in the account of M/s Karvy Financial Limited. It cannot be a case of mere ignorance as the petitioner was well aware that the amount was deposited in his account and subsequently the same has been transferred in the account of M/s Karvy Financial Limited in connivance with co-accused, Anil Sharma. It appears to be a case of fraud as transactions have been made from one account to other without showing

any reason. Moreover, it cannot be said to be a case of ignorance also or undue influence being a tenant. It has been mentioned in the order passed by learned Additional Sessions Judge, Faridabad while declining anticipatory bail to the petitioner that the petitioner vide cheque No. 032532 transferred the amount in the account of M/s Karvy Financial Limited to discharge his loan liability.

In view of the aforesaid facts, I am of the view that custodial interrogation of the petitioner is required. Accordingly, there is no merit in the contentions raised by learned counsel for the petitioner and the petition being devoid of any merit is hereby dismissed.

May 14, 2018
pooja

(DAYA CHAUDHARY)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
Yes