

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-14661 of 2018 (O&M)

Date of Decision: 01.06.2018

Manoj Kumar

....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Manu Loona, Advocate
for the petitioner.

Ms. Monika Jalota, DAG, Punjab.

Mr. Amandeep S. Saini, Advocate
for the complainant.

SURINDER GUPTA, J.(Oral)

CRM-21080-2018

Application is allowed as prayed for and enquiry reports are taken on record as Annexures P-3 and P-4, subject to all just exceptions.

CRM-M-14661-2018

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.76 dated 27.06.2017 registered for offences punishable under Sections 409, 420, 465, 467, 468, 471 and 120-B of Indian Penal Code (for short, "IPC") at Police Station City Fazilka, District Fazilka.

Heard.

As per allegations in the FIR, the petitioner was having an agency of post office to collect saving amount from public and deposit the same in their accounts with the post office. The complainant has alleged that

the petitioner received ₹3,75,000/- from him but did not deposite the same

in his account in post office.

During investigation, it was found that petitioner had employed one Vishu Sachdeva to help him in collecting the money but later on he was turned out as he committed fraud with petitioner. However, Vishu Sachdeva kept on receiving money from people posing himself as agent of post office but did not deposit the same. He had received sum of 2,95,000/- from Sham Lal, ₹1,74,000/- from Usha Rani, ₹69,000/- from Kundan Singh, ₹2 lakh from Sant Singh and ₹3,75,000/- from Surinder Singh on different dates. He had also prepared their fake pass-books of fixed deposits and when the matter came to light he made some payments in cash to person, who had deposited the amount and also issued cheques in their names on different dates. He also executed an agreement to return their balance amount within few days but then absconded.

Allegation against the petitioner is that he being employer of Vishu Sachdeva is responsible for the act of fraud committed by him. This statement of petitioner that Vishu Sachdeva was removed from service was not believed during investigation.

Learned State counsel submits that one more FIR has been registered against the petitioner at Fatehabad, Haryana but she is not having copy of the same.

The petitioner was arrested in this case on 12.02.2018 and after completion of investigation challan has been presented by the police against him, which is pending trial. The other accused named in the FIR are yet to be arrested.

It is a matter to be seen by the trial Court as to whether version of petitioner that he had removed Vishu Sachdeva from service and

transactions of Vishu Sachdeva with different persons were not under his instructions?

Without expressing any opinion on merits of the case and keeping in view the period of incarceration of petitioner and the fact that conclusion of trial will take considerably long time, the present petition is allowed. Petitioner-Manoj Kumar 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 previous permission of the Court.

June 01, 2018
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No