

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

CRM-M No.22413 of 2018

Date of Decision: 22.10.2018

Rishikesh @ Harishkesh

....Petitioner

Versus

State of Haryana

....Respondent

BEFORE :- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present:- Mr. Vivek Khatri, Advocate
for the petitioner.

Mr. Chetan Sharma, A.A.G., Haryana.

Mr. Jagjot Singh, Advocate
for the complainant.

DAYA CHAUDHARY, J. (ORAL)

This petition has been filed under Section 439 Cr.P.C for grant of regular bail to the petitioner in case FIR No.300 dated 10.12.2017 registered under Section 408 IPC at Police Station Industrial Sector 7, Manesar, District Gurugram.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the case, whereas, no offence is made out against him. Petitioner was employed in the complainant Company since 01.01.2013 and was designated as a Senior Executive (Accounts and Finance) as per appointment letter issued to him. The petitioner was terminated from his services w.e.f. 21.11.2017 and his signatures were obtained on four cheques, in favour of the Company by levelling false allegations and those cheques have been misused by the complainant

Company. Learned counsel also submits that the petitioner raised the industrial dispute by sending demand notice under Section 2-A of the Industrial Disputes Act, 1947 and because of raising dispute before the Tribunal, he has been implicated. The petitioner is in custody for the last more than seven months and nothing is to be recovered from him as the recovery of the amount has already been effected. The trial may take sufficient long time to conclude and no useful purpose would be served by keeping the petitioner behind bars.

Learned State counsel has not disputed the custody period but has opposed the submissions made by learned counsel for the petitioner on the ground that only one witness has been examined and the petitioner may influence the private witnesses, in case, he is released on regular bail.

Learned counsel for the complainant has also opposed the submissions made by learned counsel for the petitioner on the ground that there is every possibility that the petitioner may influence the witnesses and recovery of an amount of Rs.20,000/- has been effected only but custody period of the petitioner has not been disputed.

Heard arguments of learned counsel for the parties and have also gone through the allegations levelled in the FIR as well as other documents available on the file.

By considering the custody period, which is more than seven months; the challan has already been presented; only a single witness has been examined out of total 14 witnesses; trial may take some time to conclude and no useful purpose would be served by keeping the petitioner behind bars, the present petition is allowed and petitioner, namely, Rishikesh @ Harishkesh is directed to be released on regular bail

on his furnishing bail/surety bonds to the satisfaction of the trial Court.

However, in case, the petitioner tries to influence any witness or tamper with any evidence, the State as well as the complainant party is at liberty to file a petition for cancellation of bail.

22.10.2018
gurpreet

(DAYA CHAUDHARY)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No