IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM M-27 of 2017

Date of decision : 15.02.2018

Sajjan Kumar Sharma

....Petitioner

V/s

State of Haryana & anr.

....Respondents

BEFORE : HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. APS Deol, Sr. Advocate with
Mr. H.S. Deol, Advocate for the petitioner.

Ms. Tanushree DAG Haryana.

Mr. R.S. Khosla, Sr. Advocate with
Mr. Ishrat Phulka, Advocate for the complainant.

RAJAN GUPTA J.

Petitioner has prayed for pre-arrest bail in a case registered against him under sections 408, 420, 467, 468, 471, 120-B IPC vide FIR No. 284 dated 19.11.2016 at police station Kasola, district Rewari. It has been urged before the court that evidence is documentary in nature. Thus, custodial interrogation of the petitioner is not required. Besides, petitioner is not the beneficiary. Thus, he deserves the concession of anticipatory bail. Prayer has been opposed by State counsel. According to her, cheques in question were deposited in the names of relatives of the petitioner and encashed. Investigating agency has to find out the whereabouts and effect the recovery.

I have heard learned counsel for the parties and given careful thought to the facts of the case.

FIR was lodged by one Anuradha Yadav, HR Head of the Company. Petitioner, who was working as an accountant in the company, betrayed the confidence of the Managing Directors and fabricated the blank cheques and letter head containing their signatures. In her complaint, she gave details of various forged and fabricated bills of certain persons and companies. It is alleged that petitioner on the pretext of making payment to vendors of complainant company had forged fakes bills and created bogus purchase orders. In this manner, he embezzled a total sum of ₹40,00,556/-. Petitioner remained posted in the complainant's company from 19.01.2009 to 17.03.2016, whereafter he was dismissed. According to investigating agency, in view of fraudulent transactions made by petitioner, his custodial interrogation is necessary. An affidavit dated 13.11.2017 has been filed by Satyapal, Deputy Superintendent of Police, Rewari which reads as under:-

> *"6. That the verifications were attempted to be conducted from the beneficiaries in favour of whom the cheques had been credited and it transpired that the firms in whose favour the cheques had been issued and bills obtained were actually non-existent and bogus entities were created by the petitioner, acting in league with his other co-accused and the company was duped off an amount in excess of Rs. 40,00,000/-*
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> *7. That the perusal of Annexure R-1 shows the track of payments and the beneficiaries, however, there exists no firm in the name of M/s Vaish & Company, MJM Associates, Supreme Traders. The payment shown to have been credited against invoice No. 286 have been disowned by the firm M/s Deltronic India Ltd. and they have issued a communication dated 16-08-2016 intimating that they had never issued the invoice No. 286 nor did they ever receive any payment against the said invoice. Likewise the track of payment of Rs. 5,65,500/- was tracked down to one Gaurav Galhotra. The company never availed any services of any such person."*

In view of serious nature of allegations, I am of the considered view that custodial interrogation of the petitioner may be necessary. Armed with a protective order, petitioner is unlikely to cooperate. Petition is without any merit and is hereby dismissed.

February 15, 2018 (RAJAN GUPTA)
Ajay JUDGE

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No