

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Crl. Misc. No. M-28783 of 2018

Date of Decision: July 12, 2018

Jitendra Singh

.....Petitioner

versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR.JUSTICE SUDHIR MITTAL

Present: Mr. Bipan Ghai, Sr. Advocate with
Mr. Rajni Kant Upadhyay, Advocate for the petitioner

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Sudhir Mittal, J. (Oral)

The present petition has been filed for grant of anticipatory bail to the petitioner in case FIR No. 218 dated 28.05.2018, registered under Sections 44 and 66 of Information Technology Act, 2000 and Sections 408, 418, 420, 421, 468, 477-A IPC at Police Station Sector 18, Gurgram District Gurugram.

According to the FIR, the petitioner alongwith his co-accused tinkered with the accounts of the company and manipulated entries so as to show that the firm of the petitioner and the co-accused had made payments for the goods received by them whereas no such payments were actually received.

Learned senior counsel for the petitioner submits that the FIR refers to three separate entries dated 25.07.2016, 03.05.2017 and 12.01.2018. The petitioner had already resigned on 18.04.2017, which was accepted on 31.07.2017 and thus the entry of 12.01.2018 can not be related with the petitioner. Regarding the other two entries, it is submitted that accounts are audited every 15 days and in case it is found that the firm of the petitioner has not actually made the deposits the petitioner is ready to make the deposits today itself. It is further submitted that if anything else is due, the same shall also be paid.

The petitioner and his co-accused Mohammad Nadim were former employees of the complainant-company. They have misused their position to cause wrongful loss to the complainant-Company and wrongful gain to themselves. This is a very serious crime and no relief can be given to such persons. Even if the money due, is paid it would not absolve the petitioner from the crime that has been committed by him. The anticipatory bail application of co-accused Mohd. Azeem (father of Mohammad Nadim) has already been rejected by this Court vide order dated 09.07.2018. Thus, I see no reason to exercise discretionary jurisdiction under Section 438 Cr.P.C. in favour of the petitioner.

The petition is, accordingly, dismissed.

The observations made hereinabove are only for the purpose of decision of this petition and shall have no bearing on the merits of this case.

July 12, 2018

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[SUDHIR MITTAL]
JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No