

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

**Crl. Misc. No.M-40318 of 2016 (O&M)
Date of Decision: May 24, 2018**

Rishi Kumar Sharma

.....PETITIONER(s).

VERSUS

State of Haryana

....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Deepanshu Matya, Advocate
for the petitioner (s).

Mr. Deepak Grewal, D.A.G. Haryana.

SURINDER GUPTA, J.(Oral)

The present petition has been filed under Section 438 Code of Criminal Procedure for grant of anticipatory bail to the petitioner in case FIR No.574 dated 29.09.2016 registered for the offence punishable under Section 409 of Indian Penal Code, at Police Station Civil Lines, Gurgaon, District Gurgaon(now Gurugram).

Heard.

Learned State counsel submits that petitioner has joined the investigation.

As per the allegations against the petitioner, he was Incharge of Divisional Store, DHBVN, Gurgaon, where he was posted from 01.09.2013 to 10.05.2014 and again from 06.09.2014 to 10.12.2014. Stock verification was carried from 24.12.2014 and shortage of 70,173 Kg of scrap was

detected.

As per status report filed today, allegations against the petitioner is that on his transfer from the Divisional Store, Gurgaon, he has not handed over charge to his successor, as such, entire fault has been put in his account. For control and supervision of Store, the department has hierarchy of officers and the matter is still under investigation. It is yet to be ascertained as to period the scrap belong to and what was the total quantity of scrap at that time when the petitioner had taken the charge. The entire case is based on documentary evidence for which custodial interrogation of the petitioner is not required.

Keepin in view the above facts but without expressing any opinion on the merits of the case, this petition is allowed and order dated 11.11.2016 is made absolute till the presentation of challan, subject to the following terms:-

- (i) that the petitioner shall make himself available for interrogation by the police as and when required;
- (ii) that the petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the accusation against him so as to dissuade him from disclosing such facts to the Court or to any police officer;
- (iii) that the petitioner shall not leave India without the prior permission of the Court;
- (iv) that the petitioner will seek regular bail on the presentation of challan in Court.

May 24, 2018
Sachin M.

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned:
Whether Reportable:

Yes/No
Yes/No