

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

CRM-M No.41048 of 2017

Date of Decision: 30.10.2018

Aditya Kumar

....Petitioner

Versus

State of Haryana

....Respondent

BEFORE :- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present:- Mr. Vinay Kumar Rao, Advocate
for the petitioner.

Ms. Tanushree Gupta, D.A.G., Haryana.

DAYA CHAUDHARY, J.

Petitioner-Aditya Kumar has approached this Court by way of filing the present petition under Section 438 of Cr.P.C for grant of anticipatory bail to him in case FIR No.161 dated 07.10.2017 registered under Sections 66/66(2) of the Information Technology Act, 2000 and Sections 120-B and 408 IPC registered at Police Station Rewari, District Rewari (Haryana) during pendency of the trial.

Learned counsel for the petitioner submits that as per allegations levelled in the FIR, the petitioner has been shown to be involved in misappropriation and embezzlement of money at Toll-Plaza Gangaycha Jat, Near Rewari. There is an allegation of theft of Rs.5500/- against one accused Raghu. The allegations are after quitting the job in the year, 2015. The matter was reported for lodging of FIR in the year 2017. Learned counsel further submits that no complaint was made against him during period of working. He has been implicated after a long un-explained delay.

He has nothing to do with the allegations of misappropriation as he has been implicated just to settle the score between Toll-Plaza Management and one Inforvate Company and Skylark. Petitioner has no concern with Toll-Plaza after 2015. The internal confidential accounting, auditing, management and decision making process is dominated by the higher officials of the concerned companies, whereas, the petitioner was not handed over any document like ledger book, transaction and cash depositing. The case has been lodged against the petitioner after leaving the job. Learned counsel also submits that the employees of Toll-Plaza have been managed to speak against the petitioner just to discharge the liabilities with ulterior motive. He is ready and willing to join investigation and nothing is to be recovered from him.

Learned State counsel submits that in pursuance of directions issued by this Court, the petitioner was asked to join investigation and to co-operate with the investigation but he never co-operated with the investigation. He has not responded some of the queries put to him by the Investigating Officer. Even the money could not be recovered from him which was collected at the time of passing through the vehicles as dates of the vehicle numbers were deleted by him. Learned State counsel also submits that the present petitioner is the main accused. During investigation, he has not disclosed the *modus operandi* adopted by him while collecting the money. Learned State counsel further submits that the CCTV Snapshots collected during the course of investigation establishes that many vehicles passed through toll plaza and toll money was collected from them. The corresponding data available in the operating system software was not containing the relevant entries in spite of the fact that

those entries were punched by the booth operator. In certain video footages, co-accused Raghu have been seen to be hiding money in his clothes and shoes etc. The petitioner had worked in close loop with the software team set up at the booth site. The petitioner had worked with the software team from the very inception of the toll booth and was having every information regarding the manner in which the data stored in the system could be assessed. After leaving the job also, he has misused that information and for that, his custodial interrogation is required. Learned State counsel also submits that the Infrovate Consulting and Solutions Private Limited had also conducted an internal enquiry and as per the report submitted by them, the petitioner has been found to be involved in the commission of offence. Learned State counsel further submits that there is an ample evidence against the petitioner which shows his involvement and as such, keeping in view the seriousness of offence and role of the petitioner, he is not entitled for concession of anticipatory bail.

Heard the arguments of learned counsel for the parties and have also perused the contents of the FIR as well as other documents available on the file.

After issuing notice of motion in the case, the petitioner was directed to join investigation and he was also released on interim bail. Thereafter, he was asked to join investigation on various occasions and to co-operate with the investigation. Though the petitioner had joined investigation but never co-operated with the investigation. Serious allegations are there against the petitioner in the FIR that he has caused revenue loss to the State exchequer on account of certain manipulations having been done at a particular toll plaza. Total 1155 transactions valued

Rs.3,90,000/- approximately were not given any credit to the Toll Plaza and such amount has been misappropriated by the petitioner and co-accused. Petitioner was I.T Engineer associated in Inforvate Company and left the job in the month of December, 2015. One co-accused Satwant Kumar was also in employment at the toll plaza. The allegations are there that the accused persons including the petitioner collected and misappropriated the huge amount by deleting the data of the vehicle numbers at toll plaza. In spite of affording various opportunities to the petitioner to join investigation and to co-operate with the investigation, he did not respond to the queries and did not co-operate with the Investigating Agency. Not only the money was collected by him but the entry numbers from the data were also deleted.

It is a well settled law that anticipatory bail cannot be claimed as a matter of right and concession of anticipatory bail is to be granted by considering various factors like nature and gravity of offence as well as role of the accused. In case, where the Court is of the considered view that the accused has joined the investigation and co-operated with the investigation and he is not likely to abscond, normally the custodial interrogation is avoided but in spite of giving directions by this Court, the petitioner has not cooperated in the investigation. The interim order was extended from time to time but in spite of directions issued by this Court, he has cooperated in the investigation.

Accordingly, by seeing the conduct of the petitioner, he does not deserve for further continuation of interim bail as he has not responded to the queries put to him by the Investigating Officer.

In view of the facts as mentioned above and by considering the

allegations and conduct of the petitioner, his custodial interrogation is necessary and as such, the present petition, being devoid of any merit, is hereby dismissed.

30.10.2018
gurpreet

(DAYA CHAUDHARY)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No