

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M No. 641 of 2018 (O&M)

Date of decision : 26.2.2018

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Rabindra Kumar Gouda

.....Petitioner

vs.

State of Haryana

.....Respondent

Coram: Hon'ble Mr. Justice H. S. Madaan

Present: Mr. L.S. Chauhan, Advocate
for the petitioner.

Mr. Gaurav Bansal, Assistant Advocate General,
Haryana.

Mr. S.K. Panwar, Advocate for the complainant.

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H. S. Madaan, J.

This petition for pre-arrest bail has been filed by the petitioner – Rabindra Kumar Gouda, an accused in FIR No. 578 dated 7.10.2017, under Sections 420, 467, 468 and 471 IPC, registered at Police Station Bhawan Kund, City Palwal, District Palwal.

Briefly stated, facts of the case, as per prosecution version are that the FIR in question was lodged on the basis of written complaint submitted by complainant Rajesh Kumar Jha, Project Manager of L&T Palwal, to Incharge, Police Post, Bhawan Kund, stating there in that the company had given contract for widening of

National Highway No.2 from Delhi to Agra to one Reliance Infrastructure Limited and for the said purpose, the company had established Project Office at Allapur, Palwal. The responsibility for safety/security of the material/goods arriving in the Project Office was given to one ARC Security Solutions Private Limited; that contract for supply of crusher and other material was awarded to Synergy Mines and Minerals and AGS Associates and two transport companies namely, True-Tech Transport and Khandewal Transport were given responsibility of transportation of the building material; that on 21.9.2017 the complainant came to know that accused Mukesh working as Security Supervisor of ARC Security Solutions Private Limited in collusion with one more employee namely Rabindra Gouda (present petitioner) used to prepared forged documents regarding arrival of building material in the Project office , as well as, regarding weight of that material coming there, so as to cause heavy financial loss to L& T Limited. They had obviously done so to cause financial gains for themselves.

After registration of the formal FIR, investigation in the case started. Mukesh was arrested on 12.10.2017. Apprehending his arrest, petitioner Rabindra Gouda had approached the Court of Sessions seeking pre-arrest bail, but his such request was declined by the Sessions Judge, Palwal, vide order dated 28.11.2017, as such he has approached this Court craving for grant of similar relief.

The petition is being resisted by the State counsel.

I have heard learned counsel for the petitioner, learned State counsel, besides going through the record.

The allegations against the petitioner are very serious and grave. The amount said to have been embezzled by the petitioner in league with his co-accused Mukesh is stated to be Rs.1,90,67,253/-. Custodial interrogation of the petitioner is necessary to know as to under what circumstances and in what manner the offences were committed by him. For recovery of embezzled amount, custodial interrogation of the petitioner is necessary. If custodial interrogation of the petitioner is denied to the Investigating Agency, that would leave many loopholes and many loose ends, which is uncalled for. Therefore, finding no merit in the petition, the same stands dismissed.

26.2.2018
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(H.S. Madaan)
Judge

Whether speaking / reasoned

Yes / No

Whether reportable

Yes / No