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

**CRM-M No.10703 of 2019
Date of Decision:.11.04.2019**

Ravinder Kumar .... Petitioner

Versus

State of Haryana .... Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr.Aditya Sanghi , Advocate for the petitioner.
Mr. Yashwider Singh, DAG, Haryana.
Mr. Deepak Sharma, Advocate for complainant.

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MAHABIR SINGH SINDHU, J. (Oral)

The present petition has been filed under Section 439 of the Code of Criminal Procedure (for short 'Cr.P.C') for grant of bail pending trial to the petitioner in case FIR No.985 dated 03.10.2018, under Sections 120-B, 406, 408, 420,467,468 and 471 of the Indian Penal Code, 1860 (for short 'IPC') registered at Police Station Model Town, Panipat, Haryana.

As per the FIR, the present case was registered on the complaint made by Yogesh Arora son of Jamna Dass, of EPAY INFORSERVE PVT. LTD. Assandh Road, Panipat for taking legal action against five accused persons including the petitioner, Sonu Ram son of Vijay Pal, Parveen Kumar son of Krishan Kumar, Sunil Kumar son of Shankar Lal and Bijender Sangwan son of Dev Karan alleging therein that petitioner is working on the post of Operations Head, Bhiwani, in the above said Company which is working in the field of collecting payments of electricity bills by entering into agreements with the Uttar Haryana Bijli Vitran Nigam (for short 'UHBVN') and Haryana Bijli Vitran Nigam (for short 'HVBN') for 13

Districts of Haryana and Bhiwani is one of them. Company of Yogesh Arora has made rosters for its daily routine work in District Bhiwani and the said bills are being paid on the prepaid wallet. The top-up has been given to retailer for the cash payment in the prepaid-wallet. The retailer can pay as per the top-up value. The Company has to work at Bhiwani with DHBVN. Thereafter, petitioner has contacted in the office of complainant's Company and assured that he has a team of several boys and they will work honestly and diligently. On the request of petitioner, the company has appointed him as District Coordinator on 01.11.2017. His job was to supervise the retailers and to make collection and other work related to the Electricity Board. Other four accused persons i.e. Parveen Kumar joined on 01.01.2018, Sonu on 01.11.2017, Sunil on 01.11.2017 on the post of Cashier/Collection Executive whereas Bijender Sangwan joined on 01.05.2018 as Cashier/Collection Executive on the recommendation of accused Ravinder and he has taken guarantee of the all other co-accused as they are well known to him. The Company has issued a wallet of District Co-ordinator bearing Account No. EBHWA0001 dated 02.12.2017 to petitioner in which he took credit top-up value from the Company as per the requirement and he was bound to settle the account by depositing the similar amount in the Bank account of the Company within a maximum period of seven days. But the petitioner did not clear the bank account of the Company by depositing the amount, whereas he has received the amount from the Company, retailers as well from customers/people. Complainant's Company had not only made many calls to the petitioner but also sent e-mails, but he made one excuse or the other and also not given any reply to e-mails. Petitioner instead of depositing money in the Bank Account of the Company rather sent false receipts of the Bank which on verification were found fake and when the Company audited the complete account, it found embezzlement of around Rs.73,02,126 (Rupees Seventy three lacs two thousand one hundred twenty six). In this way, petitioner, in connivance with his accomplices, cheated the Company, embezzled a huge amount and also stolen some important documents from Panipat office. Hence the present FIR.

It is contended by learned Counsel for the petitioner that the petitioner is in custody since 05.12.2018; report under Section 173 Cr.P.C has already been presented on 16.02.2019 but charges are yet to be framed. Also contends that there are total 24 prosecution witnesses and as such, the trial will take a long time to conclude. Further argued that during investigation, the police has specifically recorded that the receipts submitted by the petitioner were found genuine and consequently, Sections 467, 468 and 471 IPC have been dropped.

The above factual position is duly acknowledged by learned State counsel on the instructions of ASI Balkar Singh as well as by the counsel for the complainant, however, they opposed the bail application on the premise that petitioner has embezzled an amount to the tune of more than Rs. 73,00,000/-.

Heard both sides and perused the record.

There is no dispute that as far as offences under Sections 467, 468 and 471 IPC are concerned, the same have been dropped by the police after investigation. Still further, the Investigating Officer has found that an amount of Rs.11,03,000/- has been found to be deposited in the account of Company of the complainant and this fact has been duly acknowledged by learned counsel for the complainant.

Since the investigation is over and report under Section 173 Cr.P.C has already been submitted, therefore, nothing is to be recovered from the petitioner. Charges are yet to be framed and prosecution has cited 24 witnesses to prove its case which is triable by a Magistrate. Thus, further incarceration of the petitioner would not serve any purpose. Therefore, this Court deems it appropriate if the concession of bail is granted to the petitioner. Consequently, this petition is allowed and petitioner- Ravinder Kumar is ordered to be released on bail, in this case, on his furnishing adequate bail bonds and surety bonds to the satisfaction of learned trial Court.

The above observations may not be construed as an expression of opinion on merits of case.

11.04.2019 **(MAHABIR SINGH SINDHU)**
mamta **JUDGE**

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