

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

CRM-M-19747 of 2019(O&M)
Date of Decision:-8.5.2019

Hemant

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Devinder Singh, Advocate for the petitioner.

Ms. Aditi Girdhar, Assistant Advocate General, Haryana.

GURVINDER SINGH GILL, J.(Oral)

The petitioner has approached this Court seeking grant of regular bail in case registered against him vide vide FIR No.750 dated 24.11.2017 under Section 408 of Indian Penal Code at Police Station DLF-II, District Gurugram, Haryana.

The FIR was registered at the instance of Shivanand Singh, Branch Incharge, in the office of SIS Prosegur Pvt. Ltd. It is alleged that on 24.11.2017, an amount of ₹1.19 Crore was put in the Van for the purpose of loading the same in ATM Machines and keys of the box containing the cash were handed over to Hemant Kumar, Cash Officer and Sahil Kumar, Cash Officer. The van was driven by Prempal who was accompanied by gunman Naresh Chander. It is alleged that at about 3.40 p.m., Sahil Kumar, Cash Officer, informed the complainant telephonically from Ambience Mall that he and Hemant had come to Ambience Mall for the purpose of loading cash in the ATM Machine and that while he went to work on ATM Machine,

Hemant went away from Ambience Mall after removing cash from the box and although he kept waiting for him at the machine but he never turned up. Sahil thereafter checked the cash by breaking the lock and found that only an amount of ₹ 5 lacs was there in the box. Another amount of ₹ 14 lacs had however been loaded in ATM Machine. It is thus alleged that Hemant had decamped with an amount of ₹ 1 crore of the company.

It is further the case of the prosecution that subsequently petitioner Hemant Kumar was arrested and an amount of ₹ 25 lacs was recovered from him. An amount of ₹ 50 lacs was recovered from co-accused Shekher and another amount of ₹15.85 lacs was recovered from co-accused Rahul.

The learned counsel for the petitioner has submitted that he has falsely been implicated in the present case and that in fact even as per the case of prosecution, a substantial amount of ₹ 50 lacs was recovered from one Shekhar who was not even named in the FIR and that another amount of ₹ 15.85 lacs was recovered from co-accused Rahul. It has, thus, been submitted that further detention of the petitioner would not serve any useful purpose and that he may be released on bail.

Opposing the petition, the learned State counsel has submitted that the petitioner is the main accused and that an amount of ₹25 lacs had also been recovered from him which shows his complicity in the crime. It has, however, been informed that till date only 3 out of the cited 16 prosecution witnesses have been examined.

Having considered rival submissions addressed before this Court and bearing in mind that the petitioner has been behind bars since the last about 1 year and 5 months and till date only 3 out of the cited 16 PWs have been examined and also bearing in mind that substantial amount of ₹ 90.85 lacs out of the allegedly misappropriated amount of ₹ 1 crore has already been recovered, further detention of the petitioner would not serve any useful purpose. The petition as such, is accepted and petitioner Hemant is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

8.5.2019

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**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No