

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

Sr. No.213

**CRM-M-44659 of 2018
DECIDED ON: February 04, 2019**

UMESH GAMBHIR AND ANOTHER

..PETITIONERS

VERSUS

STATE OF HARYANA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Akshay Bhan, Senior Advocate with
Mr. Manvinder Sidhu, Advocate,
for the petitioners.

Mr. D.R. Singla, DAG, Haryana.

Mr. R.S. Rai, Senior Advocate with
Mr. Anshumaan Dalal, Advocate,
for the complainant.

SUDHIR MITTAL, J. (ORAL)

The petitioners seek grant of regular bail in case FIR No. 456 dated 19.09.2018 registered under Sections 120-B, 379, 409, 416, 418 IPC at Police Station Urban Estate, District Rohtak.

Learned counsel for the petitioners submits that the petitioners have been in custody since 27.09.2018. The challan has been presented but the charges have not yet been framed. Thus, the trial is not likely to be concluded at an early date. The petitioners are not habitual criminals which is apparent from the fact that there is no other criminal case pending/decided against them. In this case, the allegation against them is that they have misused their position in the company of the complainant and

CRM-M-44659 of 2018

have accordingly caused financial loss. The case is triable by Magistrate and thus, regular bail be granted to the petitioners.

Learned Senior counsel appearing for the complainant as well as learned State counsel submit that the conduct of the petitioners deserves to be deprecated to the hilt. Being the employees of the complainant, they not only obtained orders for their private company in the name of the complainant but also diluted quality of the complainant company. Thus, they do not deserve the concession of regular bail.

Admittedly, the petitioners have been in custody since 27.09.2018 and there is no other criminal case pending/decided against them. Whether the allegations against the petitioners are correct or not is a matter of trial and I would not like to make any observations regarding the same lest it prejudices either side. Suffice to say that the investigation is complete but the trial is not likely to be concluded at an early date and therefore, no useful purpose would be served by keeping the petitioners in custody indefinitely. Accordingly, the petition is allowed and the petitioners are directed to be released on regular bail on their furnishing bail and surety bonds to the satisfaction of the trial Court concerned, at Rohtak.

It is made clear that in case any attempt is made to influence the witnesses, the complainant shall be at liberty to seek cancellation of regular bail.

February 04, 2019

Ankur

**(SUDHIR MITTAL)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No