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

CRM-M No.26695 of 2019 (O&M)
Date of Decision: June 26, 2019

Gaurav Singh ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

Present: Mr.Salil Sagar, Senior Advocate assisted by
Mr.Sankalp Sagar, Advocate for the petitioner.

Mr.Apoorv Garg, DAG, Haryana.

Mr.Rohit Kapoor, Advocate for the complainant.

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HARINDER SINGH SIDHU, J.

This petition has been filed under Section 438 CrPC seeking anticipatory bail in case FIR No.30 dated 06.02.2019 under Sections 378, 379, 381, 406, 415, 416, 417, 419, 420, 463, 464, 465, 466, 468, 469, 470, 471 and 472 of the Indian Penal Code, Police Station DLF-II, District Gurugram, Haryana.

Allegations in the FIR registered on the basis of a criminal complaint filed by Sanjay Shroff Chief Financial Officer of Travel Corporation (I) Ltd. are that one Alok Bhatia had intentionally cheated and misappropriated a large sum of money thereby causing huge financial loss to the company. Alok Bhatia was employed in the legal department of the complainant company as Manager (Legal) for the last seven years. He resigned on 11.01.2019. Vide e-mail dated 27.6.2018 Alok Bhatia requested for demand drafts to be issued in the name of 10 labourers in purported compliance of an award passed by the Labour Court. The Company in good faith prepared 10 demand drafts aggregating to Rs.58,28,038/- and handed over to the accused. This and other acts of Alok Bhatia were revealed when an internal audit was conducted. Alok Bhatia had caused wrongful loss to the Company to the tune of about Rs.11 crores approximately due to his unlawful act of preparing of false vouchers, cheating and misappropriation. He had diverted payments for inflated and fictitious bills in respect of non-existent matters. He had parked an amount of over Rs.2 crores in the bank account of the petitioner at ICICI Bank Greater Kailash and Gurugram Branch. After the discovery of irregularities Alok Bhatia admitted his guilt and offered to pay part of the amount immediately. He submitted an affidavit dated 24.1.2019.

Sh. Salil Sagar, learned Senior counsel for petitioner has contended that the allegations in the FIR are primarily against Alok Bhatia, who has also admitted his guilt. The only allegation against the petitioner (Gaurav Singh) is that Alok Bhatia had approved bills in the fictitious name of one Gaurav Singh Associates Advocates for large sum of money and transferred the same into the account of the petitioner maintained with the ICICI Bank, Gurugram. He argued that the petitioner has no concern with the said irregularities. The petitioner himself is a victim of circumstances. His account has been misused by Alok Bhatia. Alok Bhatia had come in contact with the petitioner as he was giving tuitions to the petitioner's sister and was also his next door neighbour. Alok Bhatia sought the petitioner's help because of illness of his parents. He persuaded the petitioner to share details of his bank account with ICICI bank with him so that he could receive funds for the treatment of his parents. Thereafter, in a surreptitious and clandestine manner Alok Bhatia got changed the contact information regarding the petitioner with the Bank. The petitioner was not aware of the fraudulent credits of various amounts into his account. No such information was received by him from the Bank or the accused. The ICICI bank account was lying dormant as the petitioner had changed his job in the year 2016 and opened a new account in HDFC bank. The petitioner even lent financial assistance to Alok Bhata during June 2016 to December 2016. On the pretext of returning the amount that the petitioner had lent to him, Alok Bhatia took the account details of the petitioner in HDFC Bank and again in breach of faith with the petitioner deposited the embezzled amount in this account as well.

Learned counsel for the State as also for the complainant have argued that the innocence pleaded by the petitioner is only a facade. In fact, the petitioner was actively associated with Alok Bhatia in perpetrating the fraud. They argued that illegal amounts were transferred into the bank account of the petitioner regularly for five years from 2014 to 2019. During part of this period the salary of the petitioner was also being credited into the same account. The petitioner had been regularly withdrawing amounts from the said account. They further argued that contrary to the assertions of the petitioner, as per the KYC documents maintained by the Bank even till date the mobile number of the petitioner is the same. There is no change in that. They further argued that only with the use of ATM card and its PIN the 'user name' and 'password' of the internet banking cannot be changed. Thus there is no merit in the assertion of the petitioner that he was unaware of the amounts being transferred to his account. It is further asserted that Alok Bhatia has already escaped from the country. The custodial interrogation of the petitioner is required to recover the huge amount of Rs.2,25,09,225/- which had been deposited in his account.

The allegations are of serious economic fraud which needs thorough investigation. The fraudulent misappropriation continued for over five years from 2014 to 2019. It is not possible to accept the contention of the petitioner that he was an innocent victim and Alok Bhatia in breach of faith with him misused his accounts without his consent and knowledge. The main accused is already escaped abroad. The allegations prima facie point a finger towards the active involvement of the petitioner in the crime.

Thus, it is not a fit case where the petitioner can be granted anticipatory bail.

Dismissed.

June 26, 2019 **(HARINDER SINGH SIDHU)**
JUDGE

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Whether Speaking / Reasoned	Yes
Whether Reportable	Yes / No