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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-27815 of 2019
Date of decision: September 30, 2019

Anil Kumar

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Aditya Sanghi, Advocate for the petitioner.

Mr. Arun Beniwal, DAG Haryana.

Mr. Deep Prabhu, Advocate for the complainant.

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<u>MAHABIR SINGH SINDHU, J</u>

Present petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 (for short 'Cr. P.C.') for grant of anticipatory bail to petitioner, in FIR No.197 dated 06.06.2019, under Sections 406, 420, 120-B of the Indian Penal Code, 1860, registered at Police Station Pinjore.

The allegations of the prosecution are that petitioner-Anil Kumar has committed the criminal breach of trust and cheated the HMT Employees Cooperative Consumer Society Ltd., Pinjore (for short 'Society') in connivance with other co-accused, namely P.K. Sinha, DGM-cum-President; Prem Chand, Manager; Daljeet Singh; Deepak Bhardwaj; Anil Sharma; Moti Ram and Mange Ram, to the tune of more than ₹3 crores.

It is contended by learned counsel for the petitioner that petitioner has nothing to do with the actual working of the Society and he has just followed the orders of his officers; therefore, he has not committed any offence and has been falsely implicated in this case.

On the other hand, learned State counsel has opposed the prayer of the petitioner on the ground that allegations levelled against the petitioner are serious in nature as he has put the Society to a great financial loss.

Heard both sides and perused the paper-book.

On the previous occasion, an additional status report by way of an affidavit of Ramesh Gulia, Assistant Commissioner of Police, Kalka, Panchkula was filed and perusal of Paragraph-3 of the same reveals that while working as a cashier with the Society, petitioner did not deposit an amount of ₹49,94,636/- on account of sale of petroleum products. Also reveals that petitioner made fake/fictitious entries in the Cash Book and that came to the notice after conducting of an interim audit report by the competent authority.

Since there are serious allegations against the petitioner regarding defrauding the public sector undertaking, though, his plea is that everything was done on the asking of his superiors, which is not acceptable on account of gravity of offence committed by him; therefore, keeping in view the facts and circumstances of the present case; his custodial interrogation is very much required. Hence, no ground, for grant of anticipatory bail to the petitioenr, is made out.

Petition stands dismissed.

However, the above observations may not be construed as an expression of opinion on the merits of the case.

(MAHABIR SINGH SINDHU)
JUDGE

September 30, 2019
mahavir

Whether speaking/ reasoned: Yes/No

Whether Reportable: Yes/No