IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-22733-2020 (O&M)
Date of Decision:27.08.2020

Jatin Gupta

.......Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present:- Mr. Keshav Pratap Singh, Advocate for the petitioner.

Mr. Saurabh Mohunta, DAG Haryana.

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TEJINDER SINGH DHINDSA J.(Oral)

This case has been taken up through Video Conferencing via Webex facility in the light of Pandemic Covid-19 situation and as per instructions.

The instant petition has been filed under Section 438 Cr.P.C. seeking concession of pre-arrest bail to the petitioner in FIR No.143 dated 21.07.2020 under Sections 408, 420 and 120-B IPC, registered at Police Station Sushant Lok, District Gurugram.

Counsel has vehemently argued that the allegations of having siphoned out an amount of Rs.1.2 crores approximately from the accounts of the company being run by complainant Mr. Raman Kehar are directed primarily against Ms. Kuldeep Kaur who was an employee of the company. Further contended that name of the present petitioner does not even figure in the FIR. Certain financial transactions have taken place between the present petitioner as also main accused Kuldeep Kaur but such transactions were on account of previous dealings between the two. Further contended that the investigating agency for reasons unknown have not arrested the main accused Kuldeep Kaur and on the other hand the petitioner herein is apprehending arrest merely on the pretext that he is in connivance with the main accused Kuldeep Kaur.

Counsel for the parties have been heard.

As per allegations contained in the FIR, Kuldeep Kaur was an employee of the complainant's company. She was responsible for payments to supplier, Bank reconciliation, updating the payments of customers etc. The complainant alleges that it has come to his knowledge that by way of different entries, amount has been transferred to accounts/credit cards which were not authorized by him or his partner. Main accused-Kuldeep Kaur used to ask for OTP on the pretext that the pervious OTP has expired and by misusing the OTP the amount has been siphoned out to various other credit cards. In this regard complainant has also named one Ms. Kulwinder Kaur and Ms. Parul Garg. Further allegations are that the total financial fraud is to the tune of Rs.1.2 crores and Kuldeep Kaur is involved in such fraud and apart from Kulwinder Kaur and Parul Garg some other of her associates may also be involved.

Apparently, during the course of investigation it has come forth that a card swipe machine of the present petitioner had also been used and an amount of Rs.60,00,000/- had been credited in the account of the firm of the petitioner. As per prosecution version such amount has been forwarded from the account of the complainant's company and such transactions has been facilitated by main accused Kuldeep Kaur who was employee of the complainant's firm and who is stated to be in active connivance with the present petitioner.

As regards main accused Kuldeep Kaur having not been arrested till date, Mr. Saurabh Mohunta, DAG, Haryana, submits that active steps are being taken to arrest her as well.

Against the backdrop of the allegation whereby with the aid of a card swipe machine, a heavy amount of Rs.60,00,000/- stands credited from the account of the complainant's firm to that of the firm being run by the present petitioner, a thorough and deep probe is necessary and which may well entail the custodial interrogation of the petitioner as well.

For the reasons recorded above, prayer made in the instant petition is declined.

Petition dismissed.

(TEJINDER SINGH DHINDSA)
JUDGE

August 27, 2020
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Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No