

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH.

(101)

CRM-M-23592-2020

Date of Decision: August 20, 2020

Dinesh Saini

.. Petitioner

Versus

State of Haryana

.. Respondents

(Through video conferencing)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Abhimanyu Singh, Advocate, for the petitioner.

Ms. Safia Gupta, AAG, Haryana.

Mr. Rahul Deswal, Advocate, for the complainant.

HARSIMRAN SINGH SETHI, J.(ORAL)

Present petition has been filed under Section 438 Cr.P.C for the grant of anticipatory bail to the petitioner in respect of FIR No.537 dated 03.08.2020 under Sections 34, 381, 408 and 420 IPC registered at Police Station Hisar Sadar, District Hisar.

Learned counsel for the petitioner states that the petitioner has been arrayed as accused in the said FIR along with two others namely Vinay Kumar, who was working as spare part Manager as well as one Sandeep Ranga, who was working as service Advisor. Learned counsel for the petitioner submits that the allegation against the accused persons including the petitioner is that they have misappropriated the spare parts to the tune of Rs.32-33 lacs. According to learned counsel for the petitioner, as the petitioner is only a mechanic, hence, he has no way to misappropriate the said spare parts in any manner and therefore, the allegations against the

petitioner are incorrect and he may be granted the benefit of anticipatory bail.

Notice of motion.

Ms. Safia Gupta, learned Assistant Advocate General, Haryana, who has joined the proceedings through video conference, keeping in view the service of advance copy of petition, accepts notice on behalf of the respondent-State and Mr. Rahul Deswal, Advocate, who has also joined the proceedings through video conference, accepts notice on behalf of the complainant. Learned State counsel submits that the allegations against the petitioner are for misappropriating the items/spare parts of the company to the tune of Rs.32 lacs to Rs.33 lacs and this amount as well as the embezzled spare parts are yet to be recovered and, therefore, custodial interrogation of the petitioner is very necessary.

Learned counsel for the complainant submits that without the help/connivance of the petitioner, who is the mechanic, the other two co-accused could not have misappropriated the spare parts and further, co-accused Sh. Vinay Kumar, after being confronted, initially gave a cheque of Rs. 11 lacs, which later on could not be realized as Sh. Vinay Kumar directed the bank to stop the payment.

Learned counsel for the State as well as learned counsel for the complainant submits that money/spare parts misappropriated by the petitioner are still to be recovered and in case the petitioner is granted the benefit of anticipatory bail, the same will hamper the investigation as well.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

The allegations against the petitioner are serious. The embezzlement alleged against the petitioner and other two co-accused are accused of embezzlement, which runs into lacs of rupees. The misappropriated spare parts as well as money are yet to be recovered and for that purpose, the custodial interrogation is necessary. Further, this Court has already rejected the anticipatory bail of the co-accused Vinay Kumar while deciding CRM-M-22947-2020.

That being so, no ground is made out to grant the benefit of anticipatory bail to the petitioner.

Accordingly, the present petition is dismissed.

August 20, 2020
harsha/naresh.k

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned: Yes/No
Whether reportable: Yes/No