

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

CRM-M-39915-2020

Date of decision:-2.12.2020

Subhash Chander

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR.JUSTICE H.S.MADAAN

Present: Mr.Jitender Dhanda, Advocate
for the petitioner.

Mr.Tanuj Sharma, AAG, Haryana

Mr.Abhinav Sood, Advocate
for the complainant.

H.S. MADAAN, J.

Case taken up through video conferencing.

This petition under Section 438 Cr.P.C. for pre-arrest bail has been filed by the petitioner – Subhash Chander, aged 31 years, resident of VPO Kherampur, Tehsil and District Hisar, an accused in FIR No.575 dated 4.8.2020 for the offences under Sections 406, 420 IPC, registered with Police Station HTM, Hisar.

Briefly stated, the facts of the case as per the prosecution story are that Sh.Kamaljeet Singh, Branch Manager, CMS Info System Ltd., Hisar had submitted a written complaint to SP, Hisar contending therein that their company is providing ATM replenishment services to Nationalised and private banks throughout the country; on 2.6.2020,

complaints with regard to shortages/customer claim were received against Subhash Chander (present petitioner) employed with their company since 2015 and another employee Vinod Kumar; they were confronted with such complaints but they failed to render any satisfactory explanation; the shortage of Rs.6,09,500/- was detected in one recycler machine out of three machines, whereas cash in other two machines on being reconciled was found to be short; total shortage was reported to be Rs.12,49,850/-; both the employees complained against refused to take calls and come to office; in that way, they misappropriated public money. On the basis of such complaint, formal FIR was recorded.

Apprehending his arrest in this case, the present petitioner had approached the Court of Sessions seeking grant of pre-arrest bail by filing an application, however, his such request was declined by learned Additional Sessions Judge, Hisar vide order dated 23.11.2020. As such, the present petitioner has approached this Court asking for similar relief.

Notice of the petition has been given to respondent – State. Mr.Tanuj Sharma, AAG, Haryana has appeared on behalf of respondent – State and Mr.Abhinav Sood, Advocate has appeared on behalf of the complainant. They oppose the present petition.

I have heard learned counsel for the parties besides going through the records.

The petitioner is not only specifically named in the FIR but there are grave and serious allegations of the petitioner along with his co-employee Vinod Kumar misappropriating the public money.

It has been submitted by learned counsel for the complainant

that on 13.6.2020 the present petitioner Subhash Chander along with his co-accused Vinod Kumar had unofficially visited the site of machine and made alterations therein, which is clear from CCTV footage of the incident. Though this fact has been denied by learned counsel for the petitioner but I find that the allegations against the petitioner are required a thorough probe.

In case of *State represented by the C.B.I. Versus Anil Sharma, 1997(4) R.C.R.(Criminal) 268*, Hon'ble Apex Court had observed that custodial interrogation is qualitatively more elicitation orientated than questioning a suspect who is on anticipatory bail, in a case like this interrogation of suspected person is of tremendous advantage in getting useful informations.

Custodial interrogation of the petitioner is definitely required for complete and effective investigation to unearth the complete scam as to how the planning was done and misappropriation carried out, the other persons involved therein and where the misappropriated amount has been spent. In case custodial interrogation of the petitioner is denied to the investigating agency that would leave many loose ends and gaps in the investigation affecting the investigation being carried out adversely, which is not called for.

Finding no merits in the petition, the same stands dismissed.

2.12.2020
Brij

(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No