

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

CRM-M-3677 of 2021 (O&M)
Decided on:- January 29, 2021.

Manish Dhiman.

.....Petitioner.

Versus

State of Union Territory, Chandigarh.

.....Respondent.

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA.

Present:- Ms. Shivya Sehgal, Advocate
for the petitioner.

Mr. A.M. Punchhi, Public Prosecutor with
Mr. Anupam Bansal, A.P.P., U.T., Chandigarh.

HARI PAL VERMA, J. (Oral)

The matter has been taken up for hearing through video conferencing due to outbreak of COVID-19.

CRM-1907-2021

The photocopies of documents Annexures P-1 to P-5 are taken on record, subject to all just exceptions.

CRM stands disposed of.

CRM-M-3677-2021

The petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail in FIR No.10 dated 16.01.2020 under Section 408 IPC registered at Police Station I.T. Park, Chandigarh.

The aforesaid FIR was registered against the petitioner on the basis of a complaint made by the General Manager of the hotel "The Lalit".

As per the complaint, the petitioner was working with hotel “The Lalit” as Accountant in Finance and Accounts Department (Incharge of Cash) since December, 2017. On 05.12.2019 when internal audit was done, initially, it was found that there was a shortage of cash and after thorough investigation, it was found that a total cash of Rs.27.12 lakh was short and this amount was misappropriated by the petitioner. He deposited this amount in his personal bank account on various dates from April 2019 to December 2019. Though the petitioner returned Rs.1.8 lakh, but a few vouchers of Rs.1.05 lakh were not posted by him in the ledger. Thus, the total shortfall of cash of Rs.24.28 lakh was found, which has allegedly been misappropriated by the petitioner.

Learned counsel for the petitioner submits that the petitioner was merely engaged as an Accountant and was responsible for all aspects of the Finance and Accounts assigned to him from time to time. He was required to report to the Financial Controller or such person nominated by the management from time to time. In this manner, the service of petitioner was subject to supervision of the higher officers and, therefore, he could not have commit the offence as alleged. She further submits that the petitioner is in custody for about 4 months and the conclusion of trial is likely to take long time. There is no other case against the petitioner.

Learned Public Prosecutor for U.T. Chandigarh has argued that during investigation, the petitioner has accepted his guilt that he used to misappropriate the amount for share trading and, therefore, he is not entitled for bail. He has further submitted that in view of the order passed by Hon’ble Supreme Court, whereby in certain set of offences, the under-trials were released on bail due to COVID-19 pandemic, the petitioner remained on bail

from 28.03.2020 to 12.12.2020. The custody of petitioner is about 3 months and 27 days.

I have heard learned counsel for the parties.

The offence in the case is triable by Magistrate. Since the petitioner is in custody for about 3 months and 27 days and the trial is not likely to be concluded in near future, this Court deems it appropriate to admit the petitioner on bail.

Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing adequate bail bonds and surety bonds to the satisfaction of learned trial Court.

The observations made hereinabove shall not be construed as any expression of opinion on the merits of the case. The trial Court shall decide the case without being influenced with these observations in any manner.

January 29, 2021
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No