

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

Date of Decision: 10.09.2021

1. **CRM-M-12922-2021 (O&M)**

Sunil Kumar

... Petitioner

Versus

State of Haryana

... Respondent

2. **CRM-M-13141-2021 (O&M)**

Devender Yadav

... Petitioner

Versus

State of Haryana

... Respondent

CORAM : HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present : Mr. A.D. Gaur, Advocate
for the petitioners.

Ms. Harpreet Kaur, AAG, Haryana
for the respondent-State.

Mr. Abhinav Sood, Advocate
for the complainant.

AVNEESH JHINGAN, J.(Oral)

1. Due to COVID-19 situation, the Court is convened through video conference.

2. These two petitions under Section 439 of the Code of Criminal Procedure are filed by Sunil Kumar and Devender Yadav seeking regular bail in FIR No. 576 dated 04.08.2020 under Sections 406 and 420 IPC which has been amended to Sections 420, 408, 467, 468, 471, 120-B IPC read with Section 66 of IT Act, 2008 registered at Police Station HTM, Hisar.

3. The petitioners were employees entrusted with a duty to deposit cash in ATM. The FIR was registered at the instance of alleging that there was a short deposit of Rs.10,50,000/- by the petitioners. The matter was enquired into and

FIR was registered.

4. Learned counsel for the petitioners submits that the petitioners are in custody since 11.12.2020. Investigation is complete, challan stands presented. Petitioners are not involved in any other case.

5. Learned State counsel opposes the prayer for grant of regular bail and submits that a huge amount was embezzled by the petitioners.

6. Learned counsel appearing for the complainant submits that it's not a single instance there are number of more FIRs are pending for short deposit of the cash. On specific query from the Court, as to whether these petitioners have either been named or nominated in any other FIR, he fairly submits that there is none.

7. The petitioners are in custody for more than eight months. Petitioners have no criminal antecedents. Investigation is complete, conclusion of trial is likely to take time, bail is granted to the petitioners on furnishing surety of Rs.2,00,000/- each to the Chief Judicial Magistrate/Duty Magistrate concerned. Since there are allegations that complainant company has lodged other FIRs also, let petitioners surrender their passports within two weeks from today.

8. The petitions are allowed.

9. It is clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

10. A photocopy of this order be placed on the file of connected case.

(AVNEESH JHINGAN)
JUDGE

10.09.2021
Parveen Sharma

Whether reasoned/speaking
Whether reportable

Yes/No
Yes/No