

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(101)

CRM-M-16954-2021

Date of Decision : August 26, 2021

Kinchit

.. Petitioner

Versus

State of Punjab

.. Respondent

(Through Video Conferencing)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Ravi Malhotra, Advocate, for the petitioner.

Mr. V.G. Jauhar, Sr. Deputy Advocate General, Punjab.

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.0112 dated 06.11.2019 registered under Sections 408, 420, 120-B of the Indian Penal Code, 1860 at Police Station Cantt. Jalandhar, District Jalandhar.

Learned counsel for the petitioner argues that the petitioner was an employee, who had worked for a period of only one and half months. Learned counsel for the petitioner submits that the work which was being executed by the petitioner was under the watchful eye of the CCTV camera and therefore, the embezzlement, which is being alleged against the petitioner and other co-employees of M/s Checkmate Services Private Limited, is false. Learned counsel for the petitioner further submits that the petitioner is ready to join the investigation and cooperate and therefore, he be granted the benefit of anticipatory bail.

Notice of motion.

Mr. V.G. Jauhar, learned Sr. Deputy Advocate General, Punjab, 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.

Learned counsel for the respondent-State submits that a huge sum amounting to more than Rs.46 lacs was embezzled by the employees of the M/s Checkmate Services Private Limited and the employees who were working at the relevant time, were nominated. Learned State counsel further submits that the co-accused also approached this Court for the grant of anticipatory bail, which was rejected by this Court by a detailed order and the petitioner is evading law for the last approximately 2 years and is not joining the investigation and hence, the prayer of the petitioner for the grant of anticipatory bail may kindly be rejected.

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

The allegations against the employees of the M/s Checkmate Services Private Limited are serious in nature. There is an embezzlement of an amount of more than Rs.46 lacs. The petitioner does not deny the fact that he was working and was executing the job of counting the notes. Amount alleged to have been embezzled is yet to be recovered.

Not only this, the petitioner on one hand, is submitting that he is ready to join the investigation and cooperate whereas for the last approximately 2 years, the petitioner is evading arrest, which shows the intention of the petitioner.

Furthermore, a Coordinate Bench of this Court has already passed a detailed order rejecting the anticipatory bail of a co-accused namely Navkarandeep Singh while passing order in CRM-M-21750-2020 decided on 15.12.2020, which is as under:

“The case has been taken up for hearing through video conferencing.

Petitioner seeks grant of anticipatory bail in case bearing FIR No.112 dated 06.11.2019 registered under Sections 408, 420, 120-B IPC at Police Station Cantt Jalandhar, District Jalandhar.

Admittedly, petitioner was one of the employees who were employed by Checkmate Services Private Limited. Allegations are that during the period commencing from 04.10.2016 to 31.12.2018, notes were sorted out and were returned in the shape of bundles. There was theft of Rs.46,46,559/-. Inquiry was conducted by Economic Offences Wing, Jalandhar and the involvement of the petitioner is prima facie found to be there. There were sixteen employees employed for counting of notes by the Checkmate Services Private Limited. The cash counting was done in an isolated room. RBI supervised the auditing of Checkmate Services periodically. Cash amount was received from the Bank officials by the Manager of the aforesaid company. The matter needs to be investigated thoroughly for which custodial interrogation of the petitioner is required. Even if the CCTV footage in respect of theft of the aforesaid amount could not be retrieved beyond

90 days, the same cannot be translated in favour of the accused at this stage.

Dismissed.”

Keeping in view the above, no ground is made out to grant the benefit of anticipatory bail to the petitioner.

Accordingly, the present petition is dismissed.

It is made clear that nothing observed herein shall be construed to be an expression of any opinion on the merits of the case.

August 26, 2021
harsha

(HARSIMRAN SINGH SETHI)
JUDGE

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