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

**CRM-M No.23342 of 2021
Date of Decision:09.07.2021**

AKASH SHARMA

.....Petitioner

Vs

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present:Mr. Anirudh Singh Shera, Advocate
for the petitioner.

Mr. Naveen Kumar Sheoran, DAG, Haryana.

Mr. Siddharth Bhatli, Advocate
for the complainant.

RAJ MOHAN SINGH, J.(Oral)

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

Petitioner seeks grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.23 dated 05.02.2021, registered under Sections 408, 467, 468, and 471 of IPC at Police Station Sector 65, District Gurugram.

As per allegations in the FIR the complaint was made by Green Rana who was authorized representative of M/S Shakunt Enterprises PVT. LTD Company. Petitioner was

working as Export Manager in the said company. The company is engaged in business of producing welding wires. The petitioner being Export Manager was having a duty to find consumers. Petitioner prepared documents for exporting the case abroad. Further, allegations are that the petitioner fraudulently and deceitfully transferred an amount of Rs.38 lacs in the account of one SSDNN Auto Parts Trading Company on the basis of fake bills of lading. The aforesaid company is owned by his father who is still at large. The FIR was registered with these allegations on record.

On 29.06.2021 following order was passed:-

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

Learned counsel for the petitioner submits that the total amount involved in the present FIR is about Rs.38 lakhs. Petitioner's father has already transferred an amount of Rs.10 lakhs in the account of complainant's Company. In respect of the remaining amount of Rs.28 lakhs, the petitioner has reasonable explanation as the amount of Rs.1,03,469/- in HDFC Bank, and an amount of Rs.14,78,564/- in the bank account of SSDN Company i.e. the Company run by father of the petitioner including some gold have been freezed. Petitioner intends to settle the issue with the complainant by all possible means.

The petitioner seeks short adjournment in order to depute some responsible person on his behalf so as to keep pact with the complainant in order to strike amicable resolution of the dispute.

Adjourned to 09.07.2021.”

The stand of the petitioner is that an amount of Rs.10 lacs has already been transferred in the account of complainant's company. An amount of Rs.1,03,469/- in HDFC bank and an amount of Rs.14,78,564/- in the bank account of SSDN Company including some gold have already been seized.

Learned counsel for the petitioner also showed his willingness to settle the issue with the complainant by amicable resolution of dispute.

Learned counsel for the petitioner submits that an amount of Rs.12 lacs has already been deposited in the account of the company. This fact has been admitted by learned counsel for the complainant. Out of total Rs.38 lacs the petitioner has deposited an amount of Rs.22 lacs in the account of the complainant Company. Amount of Rs.15,82,000/- has already been freezed.

At this stage, without prejudice to the rights of the parties, I deem it appropriate to consider the aforesaid deposit to be sufficient to grant regular bail to the petitioner. However, the complainant would be at liberty to establish its claim during trial. This order shall not be construed to be an opinion with regard to any due amount towards the petitioner, and this order shall not prejudice the rights of the parties at the time of conclusion of criminal proceedings.

Looking to the aforesaid facts and in view of the situation arising out due to COVID-19 pandemic and without advertent to the merits of the case, I deem it appropriate to enlarge the petitioner on regular bail.

In view of above, petition is allowed. Petitioner is ordered to be released on bail, subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of the Chief Judicial Magistrate/concerned Duty Magistrate. Petitioner shall surrender his passport before the Chief Judicial Magistrate forthwith.

Nothing expressed hereinabove would be construed to be an expression of any opinion on merits of the case.

(RAJ MOHAN SINGH)

09.07.2021

Amandeep

Whether speaking/reasoned Yes/No

Whether reportable Yes/No