

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-42913-2021 (O&M)
Date of Decision:-13.10.2021

Nirod Kumar Rout @ Lipu Rout ... Petitioner

Versus

State of Haryana ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Ashok Kumar Singh, Advocate for the petitioner.

Ms. Sheenu Sura, DAG, Haryana.

Mr. Vikas Mohan Gupta, Advocate for the complainant.

(proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J.(Oral)

1. The petitioner has approached this Court seeking grant of anticipatory bail in respect of a case registered vide FIR No.0171 dated 29.8.2021 at Police Station Sector-65, District Gurugram, Haryana under Sections 409 of Indian Penal Code.
2. The FIR was lodged at the instance of Sachin Aggarwal, Head Legal Division of 'M/s BIBA Private Limited'. It is alleged in the FIR that 'M/s BIBA Private Limited' is engaged in manufacturing and designing apparel

and accessories under the trade name of 'BIBA'. The petitioner had been appointed as Executive (Accounts) on 25.12.2012 and his prime responsibility was to look after booking and payments of rent, electricity and other related expenses, which included payments to various parties through bank and the payments were so made in the bank accounts of the vendors by online transactions. Even the payment to the landlord and other utilities payments were being processed by the petitioner. It is alleged that the petitioner resigned from the company on 3.3.2021. Post resignation of the petitioner when there was an escalation in the dues of the vendors, the accounts were got checked and it was noticed that while payment is shown in the system but there is no corresponding banking entry in favour of accounts of such vendors/parties. On further inquiry it was revealed that an amount of ₹83.61 lakhs had thus been siphoned off. It is further alleged that infact there are chances that even more amount must have been so misappropriated. It is thus alleged that the petitioner, while conniving and conspiring with his allies, had committed huge fraud with the company and had misappropriated huge amount.

3. Learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in the present case and infact had been made a scapegoat as the payments in question were not just released by the petitioner and that the details prepared by the petitioner used to be further approved and authorized by three Superior Authorities including Vice President (Finance) and the Chairman. Learned counsel has further submitted that, in any case, since the matter pertains to documentary evidence, there is no need for any custodial interrogation and as such, the petitioner deserves the concession of bail.

4. I have considered aforesaid submissions made on behalf of learned counsel for the petitioner.
5. It is not in dispute that the petitioner had been serving as Executive (Accounts) in 'M/s BIBA Private Limited' and was handling payments to various vendors/parties, which had to be made by the said company. A perusal of the order passed by the Court of learned Additional Sessions Judge, Gurugram, shows that during the course of investigation, the police had been able to trace out the beneficiaries of the payments made from the account of the company and it has been found that an amount of ₹85 lakhs was transferred in the bank account of petitioner's father while another amount of ₹80 lakhs was transferred in the bank account of petitioner's brother and in some other accounts from the bank account of the complainant-company.
6. In view of the aforestated position, wherein there is direct evidence to establish that huge amount has been siphoned-off from bank account of the complainant-company and has been transferred to the bank accounts of father and brother of the petitioner, this Court finds that the matter needs to be thoroughly probed and, as such, custodial interrogation would be required.
7. The petition is sans merit and is hereby dismissed.

13.10.2021

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No