

NITIN KUMAR

...PETITIONER

VERSUS

STATE OF HARYANA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURIPresent: Mr. S.S.Kharb, Advocate
for the petitioner.

Ms. Aditi Girdhar, AAG, Haryana.

Mr. Kashish Garg, Advocate
for the complainant.

*(The case has been taken up through video conferencing on
account of Covid-19 Pandemic)***VIVEK PURI, J. (ORAL)**

Nitin Kumar-petitioner is seeking regular bail in the case bearing FIR No. 63 dated 06.06.2020 under Sections 408 IPC and (later on changed to Sections 409/467/468/471/120-B IPC, 1860 and 13A-3, Gambling Act, 1867), registered at Police Station DLF Phase-11, Gurugram, District Gurugram.

Briefly, FIR has been registered on the complaint of Harpreet Singh, Assistant Manager of the Supreme Securities Limited. The petitioner was also working as Branch Manager in the said concern which was dealing with foreign exchange. Allegations against the petitioner are that he had embezzled the foreign and Indian currency to the tune of Rs. 80 lakhs.

It is contended by the learned counsel for the petitioner that recovery to the tune of Rs. 50 lakhs has been effected. There are five accused in the case, three accused have been released on bail and one accused has not yet been arrested. The

case, the investigation of the case is complete and challan has already been presented in the Court.

On the contrary, learned State counsel and learned counsel for the complainant have opposed the bail application on the score that there are serious allegations of misappropriation of huge amount levelled against the petitioner, recovery of the amount to the tune of Rs. 32 lakhs has only effected and one accused is yet to be arrested. The petitioner being a responsible officer of the aforesaid concern has misappropriated the huge amount.

Be that as it may, the investigation of the case is complete, the challan has already been presented in the Court, the recovery of significant amount has already been effected, the investigation of the case is complete and the challan has been presented in the Court. The offences are triable by the Judicial Magistrate 1st Class. There is nothing to suggest that the petitioner is involved in any other case, the conclusion of the trial is likely to take sometime on account of restricted hearing due to Covid-19 Pandemic and no fruitful purpose will be served by detaining the petitioner in further custody. In these circumstances, sufficient grounds are made out to extend the concession of bail to the petitioner.

Without expressing any opinion on the merits of the case, the instant petition is allowed. The petitioner is ordered to be released on bail on his furnishing requisite bail bonds to the satisfaction of the learned trial Court/Duty Magistrate concerned.

The petition is allowed accordingly.

10.06.2021
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(VIVEK PURI)
JUDGE

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