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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-3418-2020 (O&M)

Date of Decision:04.03.2022

Deep Chand

.. Petitioner

Vs.

State of Haryana

..Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Ms. Manpreet Ghuman, Advocate for the petitioner.

Mr. Sukhdeep Parmar, DAG, Haryana.

...

Manoj Bajaj, J. (Oral)

Petitioner has approached this Court under Section 438 Code of Criminal Procedure to seek anticipatory bail in case FIR No.593 dated 23.12.2019 under Sections 406/420 IPC, 1860 registered at Police Station Sector-5, Panchkula, who apprehends his arrest at the hands of Police.

On 27.01.2020, this Court had passed the following order:-

“Learned counsel for the petitioner contends that the alleged embezzlement was committed by co-accused, namely, Kamalpreet Singh, who was appointed by the complainant-company itself. She further submits that the petitioner is ready to join investigation and his custodial interrogation may not be required at this stage.

Notice of motion for 18.05.2020.

Meanwhile, the petitioner shall join the investigation and would come present as and when called for and in the event of arrest, the petitioner shall be admitted to interim bail on his furnishing personal and surety bonds to the satisfaction of Arresting/Investigating Officer. The petitioner shall also abide by the conditions as specified under Section 438(2) Cr.P.C.”

Learned counsel for the petitioner has stated that in compliance of the above order, the petitioner has joined the investigation.

Learned State counsel, on instructions from PSI Abhishek, has

stated that indeed the petitioner has joined the investigation, but total sum of Rs.9,60,000/- was embezzled by Kamalpreet Singh and Deep Chand (petitioner) and the recovery of the said amount is yet to be made. He submits that Deep Chand was not authorised to engage any staff on the behalf of complainant company, but had appointed co-accused Kamalpreet Singh as cashier and the amount collected from consumer was not deposited with the Electricity Department.

At this stage, learned counsel for the petitiiner has reiterated her stand and submitted that vide appointment letter dated 08.06.2018, the services of Kamalpreet Singh were engaged by the complainant company itself. She has pointed that the said letter of appointment has not been disputed, therefore, the custodial interrogation of the petitioner may not be necessary.

Considering above, the petition is allowed and the interim bail granted by this Court vide order dated 27.01.2020 is made absolute.

04.03.2022
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned	Yes	No
Whether reportable	Yes	No