

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

214

**CRM-M-3763-2022
Date of decision: 09.02.2022**

JAI KANT

....Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present : Mr. Gursimran Singh Madaan, Advocate with
Ms. Anshul Sharma, Advocate,
for the petitioner.

Mr. Kanwar Sanjiv Kumar, AAG Haryana
assisted by ASI Ramesh Kumar.

VINOD S. BHARDWAJ. J. (ORAL)

This case has been taken up through Video Conferencing via Webex facility in the light of Pandemic Covid-19 situation and as per instructions.

Instant petition has been filed seeking concession of regular bail to the petitioner in case FIR No.146 dated 01.03.2021 under Section 406, 408, 420, 467, 468, 471, 120-B IPC, registered at Police Station Sector 58, Faridabad.

Learned counsel for the petitioner *inter alia* contends that the petitioner has been in custody since 14.04.2021 and the final report has been filed on 16.06.2021. It is further contended that there are nearly 74 witnesses to be examined and as such, the trial is likely to take a long time.

On merits, it is submitted that as per the allegations levelled in the FIR, the petitioner was an employee in the Finance Department. As per the version of the complainant, certain incentives were to be forwarded to the dealers under the Dealer Business Management System. The online data uploaded by the dealer was verified by the Sales Admin Team and thereafter the same was

forwarded to the Accounts Department. Upon verification of the data at two places, the incentives were forwarded. It is further contended that even though the allegation levelled suggests that an amount of Rs.5.23 Crores (approximately) was transferred in about 66 accounts, however, only an amount of Rs.38 lakhs (approximately) was stated to have been received in the account of the petitioner. It is further submitted that the monetary and gratuity dues to the tune of Rs.12 lakhs have already been withheld by the Company. It is further submitted that the final report had been filed by the Investigating agency by nominating 11 persons as accused, however, 10 persons have been granted the concession of anticipatory bail.

Mr. Kanwar Sanjiv Kumar, learned Assistant AG Haryana on instructions from ASI Ramesh Kumar states that charges have been framed on 05.08.2021 and the case is now fixed for 14.02.2022 before the trial Court for examination of PWs. The learned State counsel has opposed the petition by alleging that the petitioner being an employee of the company abused his position in the Finance Department in order to cause wrongful loss to the Company to the tune of Rs.5.23 Crores (approximately). It is, however, not denied by the learned State counsel that the petitioner is in custody since 14.04.2021.

Heard learned counsel for the parties and perused the material on record.

Keeping in view the custody period of the petitioner and also the fact that all other co-accused already stand enlarged on anticipatory bail and that in view of 74 witnesses cited by the investigating agency, the trial is likely to take a long time, I deem it appropriate to enlarge the petitioner of bail.

Accordingly, the present petition is allowed and the petitioner is admitted on regular bail subject to his furnishing bail bonds/surety bonds to the

satisfaction of trial Court.

It is made clear that the petitioner shall not extend any threat and shall not influence any prosecution witnesses in any manner directly or indirectly.

The observation made hereinabove shall not be construed as an expression on the merits of the case and the trial Court shall decide the case on the basis of available material.

(VINOD S. BHARDWAJ)
JUDGE

February 09, 2022
S.Sharma(syr)

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