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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-9301-2022 (O&M)
Date of Decision:09.03.2022

Kamalpreet

.. Petitioner

Vs.

State of Haryana

..Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Brijender Kaushik, Advocate for the petitioner.

Mr. Vijesh Sharma, AAG, Haryana.

...

Manoj Bajaj, J. (Oral)

Petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail pending trial in case FIR No.0593 dated 23.12.2019, under Sections 406 and 420 IPC, Police Station Sector-5, Panchkula. The petitioner is in custody since his arrest on 19.01.2022.

The allegations as noticed by the Id. Sessions Judge, Panchkula in the order dated 21.02.2022 are as under:

“As per the prosecution case, UHBVNL (Electricity Board) had given a contract to the firm E-pay Infoserve Pvt. Ltd. for collection of electricity charges in various district of Haryana. One Deep Chand was appointed by the company as District Co-ordinator for Panchkula and was allotted a particular wallet number. Gaurav Sharma was employed as Cashier in the abovesaid E-pay Infoserve Pvt. Ltd. It is alleged that Deep Chand employed one of his known person namely Kamalpreet (petitioner), without any documentation so as to collect electricity charges from the consumers of Sector-10. Despite the fact that E-pay Collection book bearing No. 1235001 to 1236000 had been issued by the company in the name of Deep Chand, he handed over a printed receipt book to Kamalpreet for issuance to the consumers. An amount of ₹6,80,000/- was collected by them. The complainant

firm came to know about the said fraud and embezzlement when the amount paid by the consumers, was added as arrears in their subsequent bills. On the complaint of Shri Anuj Kumar representative of E-pay Infoserve Pvt. Ltd., FIR was registered.”

Learned counsel for the petitioner has argued that as per allegations, the complainant company was engaged by the Electricity Board for collecting electricity charges from consumers, who had further employed the co-accused of the petitioner, namely, Deep Chand as supervisor and the petitioner as cashier and a sum of Rs.6,80,000/- collected by the accused was not deposited with the Electricity Department, and caused wrongful loss. According to him, the investigation of the case is almost complete and the petitioner is not required for any purpose of investigation. He prays for bail.

Learned State counsel assisted by PSI Abhishek, opposes the prayer, but does not dispute this fact that co-accused Deep Chand has been released on anticipatory bail and the investigation of the case is almost complete and after completion of formalities, the final report would be submitted before the Court of competent jurisdiction.

After considering the background of the case, this Court finds that the offences are triable by Magistrate and considering the custody of the petitioner, this Court does not find any reason to decline the prayer, as the trial is likely to consume considerable time to conclude. Admittedly, the petitioner is presently confined in judicial custody since 19.01.2022, therefore, his further detention may not be necessary for any useful purpose.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail in the above case, subject to his furnishing requisite bail bonds/surety bonds

The petition is allowed.

09.03.2022
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes	No
Yes	No