

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

208 (2)

DECIDED ON: 8th July, 2022

(1) CRM-M-33022-2020 (O&M)

Shrawan Kumar

.....PETITIONER

VERSUS

State of Haryana

.....RESPONDENT

(2) CRM-M-11288-2021 (O&M)

Abhinav Garg

.....PETITIONER

VERSUS

State of Haryana

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN.

Present: Mr. Amit Jhanji, Sr. Advocate with
Ms. Eliza Gupta, Advocate and
Mr. H.S. Sidhu, Advocate and
Mr. Rakesh Gupta, Advocate for petitioner(s).

Ms. Dimple Jain, AAG Haryana.

Mr. Pankaj Kundra, Advocate for
Mr. Deepak Sabherwal, Advocate for complainant.

AVNEESH JHINGAN, J (ORAL)

These two petitions are filed by petitioners-Shrawan Kumar and Abhinav Garg, for grant of regular bail in case of FIR No. 212 dated 18.3.2020, under Sections 406, 409, 419, 420, 467, 468, 471, 120-B IPC, registered at Police Station Sector 5 Panchkula (Haryana).

As per the allegations, the amounts were withdrawn from the Bank account of Municipal Corporation, Panchkula without following the procedure.

On inquiry conducted by the Department, it was found that the petitioners were involved in the case. Recovery of Rs.11,52,900/- was made from the house of petitioner-Shrawan Kumar and Rs.50,000/- from petitioner-Abhinav Garg.

Specimen signatures of petitioners were taken and sent to FSL, report was

Learned counsel for petitioners submits that the petitioner(s) are in custody for more than two years. FSL report nowhere indicates that forgery was done by the petitioners. No recovery is to be made. To show their *bonafide*, the petitioners are ready to deposit Rs.5 lakh each with the trial Court, subject to outcome of trial. It is further argued that co-accused was granted bail by the Sessions Court. Submission is that the case is based upon documentary evidence and trial is not proceeding at decent pace. Further that the prosecution has set up the case on the basis of confessional statement of petitioners which has no evidentiary value.

Learned State counsel opposes the prayer and submits that public funds were siphoned off.

Mr. Pankaj Kundra, Advocate for Mr. Deepak Sabherwal, Advocate appears for complainant though not impleaded as party and opposes the prayer for bail.

Petitioner-Shrawan Kumar and petitioner-Abhinav Garg are in custody since 19.3.2020 and 23.3.2020 respectively. No recovery is to be made. Case is based upon documentary evidence, co-accused was granted bail by the Court below, petitioner(s) have offered to deposit Rs.5 lakh each subject to outcome of trial. Considering that though investigation is complete, conclusion of trial is likely to take time and petitioners have no criminal antecedents, petitioners are granted bail subject to deposit of Rs.5 lakh each, with the trial Court. The amount shall be kept in FDR in a nationalised bank and shall be subject to outcome of trial. In case of failure of petitioner to appear during trial, the amount deposited shall be liable to be forfeited.

The petitions are allowed.

It is clarified that the observations made hereinabove shall not be

construed as an expression of opinion on the merits of the case.

Since the main case has been decided, the pending application, if any is rendered infructuous.

Photocopy of this order be placed on file of connected case.

8th July, 2022

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(AVNEESH JHINGAN)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>