

CRM-M-14163-2022

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

225

CRM-M-14163-2022

Date of Decision: 18.05.2022

Rajesh Kumar

....Petitioner

Versus

State of Haryana

....Respondent

CORAM:HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

Present: Mr. Surinder Gaur, Advocate
for the petitioner.

Mr. R.K. Singla, DAG, Haryana.

HARINDER SINGH SIDHU, J.

Present petition has been filed under Section 439 of the Code of Criminal Procedure (Cr.P.C.) for grant of concession of regular bail to the petitioner in case FIR No.163 dated 14.06.2021 under Sections 120-B, 201, 406, 420, 467, 468, 471 IPC (Section 201 IPC was added later on) registered at Police Station Urban Estate, Hisar.

FIR was lodged on the complaint of one Shankar Aggarwal, who stated that he is General Manager of M/S Super Sonic Carrier Private Ltd. which is engaged in the road transportation business. He had appointed Pawan Kumar as incharge of Marketing on 16.06.2020. He was entrusted with a work to procure road transportation business for the company. As per the business practice after obtaining orders for transportation from various parties, the company used to hire the vehicles to execute the work. The costs were paid in respect of the vehicles hired and after completion of work bills

CRM-M-14163-2022

were raised against the parties for whom the work was executed. Pawan Kumar informed the complainant of various work that he had procured from different parties. He got payment in respect thereof effected from the head office of the company in various account numbers mentioned in the complaint. To make the transactions look genuine Pawan Kumar forged consignment notes, loading advice and freight payment memo. The complainant later learnt that the parties had never given any business to Pawan Kumar. In this respect Pawan Kumar in collusion with the various account holders mentioned in the complaint had defrauded the company/complainant of Rs. 5,27,500/-.

The allegations against the petitioner are that he is one of the persons in whose accounts the amount claimed from the company of the complainant was deposited. The petitioner was arrested on 05.12.2021, on the basis of disclosure statement of Pawan Kumar. An amount of Rs. 15,000/- was recovered.

Learned counsel for the petitioner has argued that the complainant has been examined as PW1, he has not supported the case of the prosecution and was declared hostile. He stated that accused Pawan Kumar had not committed any fraud with the company. Taking into account this fact, co-accused/Pawan Kumar has been released on bail vide order dated 11.05.2022 by learned Additional Sessions Judge, Hisar.

In view of the above and the fact that the trial is unlikely to conclude in near future, no useful purpose will be served by keeping the petitioner in custody till the final disposal of the case.

CRM-M-14163-2022

Therefore, in view of the abovesaid circumstances, without expressing any opinion on the merits of the case, this petition is allowed. Petitioner-Rajesh Kumar be admitted to bail on his furnishing bail bonds and surety bonds to the satisfaction of the learned trial Court/ Duty Magistrate concerned.

[HARINDER SINGH SIDHU]
JUDGE

May 18, 2022
rashmi

Whether speaking/reasoned	yes/no
Whether reportable?	yes/no