

109

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-15920-2022 in/and
CRM-M-15742-2022 (O&M)
Date of Decision:06.05.2022

Gaurav Sharma

.. Applicant/Petitioner

Vs.

State of Haryana

..Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Sankalp, Advocate for applicant-petitioner.

Mr. Sukhdeep Parmar, DAG, Haryana.

...

Manoj Bajaj, J. (Oral)

CRM-15920-2022

The instant application is for pre-poning the date of hearing of the main petition to an early date.

Notice in the application.

At this stage, Mr. Sukhdeep Parmar, DAG, Haryana, accepts notice on behalf of the respondent-State and does not oppose the prayer.

Application is allowed and the date of hearing is pre-poned to today.

CRM-M-15742-2022 (O&M)

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 in the FIR by the ld. 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 has argued that co-accused of the petitioner, namely, Kamalpreet has already been released on regular bail by this Court vide order dated 09.03.2022 (Annexure P-2) and the case of the petitioner is also at par with him. He prays for bail.

On the other hand, learned State counsel assisted by PSI Abhishek, has opposed the prayer on the ground that the petitioner had issued receipts worth Rs.2,80,000/- as Cashier of E-pay Infoserve Pvt. Ltd., but did not deposit the amount with the Electricity Board. However, he does not dispute the above stand of the petitioner that the case of the petitioner is at par with co-accused, who has already been released on bail. He, on instructions, states that challan has been presented on 15.03.2022, but the charges are yet to be framed.

After hearing the learned counsel for the parties, this Court finds that though the challan has been presented on 15.03.2022, but the trial is yet to commence, therefore, it is evident that the conclusion of trial would

take considerable time. Apart from it, the co-accused of the petitioner has been released on regular bail, thus, the further detention of the petitioner behind the bars may not be necessary for any useful purpose, who is presently confined in judicial custody after his arrest.

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 to the satisfaction of the trial Court concerned.

The petition is allowed.

06.05.2022
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned	Yes	No
Whether reportable	Yes	No