

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

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CRM-M-15799-2022

Date of Decision: 22.11.2022

Keshav Vermani & another ...Petitioners

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Neeraj Saini, Advocate, for the petitioners.

Mr. Rajiv Sidhu, DAG, Haryana.

Dr. Sumati Jund, Advocate, for the complainant.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioners seek grant of anticipatory bail in respect of a case registered vide FIR No.0088 dated 20.03.2022 under Sections 120-B, 408 and 420 IPC at Police Station Section 50, District Gurugram.
2. The FIR was lodged at the instance of Jasvir Singh, Director M/s Sainik Surveillance Security Services Pvt. Ltd., wherein it has been alleged that Akshay Vermani has been employed in his company since November, 2014. He has been the sole custodian incharge and knew all the usernames, passwords relating to net-banking and was also possessing the official mobile phone for receiving OTPs in respect of banking transactions made on behalf of the company as well as office locker keys, official documents, cheque books etc. It is alleged that aforesaid Akashay Vermani while having domain over the aforesaid accounts etc misused his position and siphoned off an amount of Rs.68,56,338/-. The

petitioners i.e. Keshav Vermani and Kirti Vermani are father and wife of aforesaid Akshay Vermani respectively.

3. The learned counsel for the petitioner submits that the petitioners have falsely been implicated so as to pressurize Akshay Vermani and to extort money from him and that they have no role whatsoever in the alleged embezzlement of Rs.68 lakhs approximately as alleged by the prosecution.
4. Opposing the petition, learned State counsel assisted by learned counsel for the complainant has submitted that the petitioners are beneficiary of the embezzled amount and that while an amount of Rs.63,500/- was credited in the account of petitioner No.1-Keshav Vermani, another amount of Rs.1,36,245/- was credited in the account of petitioner No.2-Kirti Vermani (wife of Akshay) from the account of Akshay Vermani. Learned State counsel assisted by learned counsel for the complainant has not denied the fact that the petitioners are not working in the company and that it is the co-accused Akashay Vermani who has been serving in the company of the complainant and has been looking after the accounts and banking transactions.
5. This Court has considered rival submissions addressed before this Court.
6. Though the prosecution during investigation has collected evidence to show that an amount of Rs.63,500/- has been credited in the account of Keshav Vermani and an amount of Rs.1,36,245/- has been credited in the account of Kirti Vermani from the account of main accused Akshay Vermani, but it will be debatable as to whether the said amount was part of the siphoned amount or as to whether the same was hard earned

money of co-accused Akshay, who in any case was working with the company of the complainant. The petitioners otherwise are not working in the company of the complainant and as such, cannot be said to have played any role for siphoning off the amount in question. Though the petitioners are stated to have joined investigation, but the learned State counsel has submitted that the petitioners are not cooperating inasmuch as they have not got recovered the amount, which was credited in their bank account, but such like contention cannot be made a ground to decline bail inasmuch as the petitioners cannot be forced to recover such amount as the same may virtually amount to forcing an admission on their part. Both the petitions, as such, are accepted and the interim directions issued by this Court vide order dated 22.04.2022 are hereby made absolute subject to the condition that the petitioners shall join investigation as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C.

22.11.2022

Sangeeta

**(GURVINDER SINGH GILL)
JUDGE**Whether speaking/reasoned: **Yes/No**Whether reportable: **Yes/No**