

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

206-2

CRM-M-27638-2022 (O&M)

Decided on : 29.09.2022

Ramana Sankara

. . . Petitioner(s)

Versus

State of Haryana

. . . Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. Gautam Dutt, Advocate
for the petitioner(s).

Mr. Vikas Bhardwaj, AAG, Haryana
assisted by SI Vikas.

Mr. Arvind Seth, Advocate
for the complainant.

SANJAY VASHISTH, J. (Oral)

CRM-36863-2022

This is an application filed under Section 482 Cr.PC, for placing on record full and final settlement account, email dated 11.11.2021 and account statement as Annexures P-6, P-7 & P-8, respectively.

Application is allowed and the aforementioned documents filed along with the application as Annexures P-6, P-7 & P-8, respectively, are taken on record, subject to all just exceptions. Office to tag the same at appropriate place in the case file.

CRM-M-27638-2022

Prayer in this petition filed under Section 438 Cr.P.C., is for grant of anticipatory bail to the petitioner in FIR No. 0116, dated 17.03.2022, under Sections 120-B, 406, 420, 467, 468, 471 of IPC, registered at Police Station Sector 14, District Panchkula.

The relevant extract of the common order dated 26.08.2022, passed by this Court is as under:-

“CRM-M-27638-2022

Learned senior counsel for the petitioner submits that being an employee of the company, the petitioner had already resigned on 30th October, 2021 and the money, in question was transferred in the account of the accused company on 03.11.2021. Therefore, there would not be any culpability on the part of the petitioner, as alleged against him.

On the other hand, learned State counsel submits that submissions made by learned senior counsel seems to be wrong, as an amount of Rs.3,73,149/- was credited in the account of accused-petitioner namely Ramana Sankara.

Upon this, learned senior counsel submits that probably such amount has been transferred in his account being his previous dues and not as beneficiary of the embezzled amount.

Learned State counsel is directed to verify the contention made by him and the submission made by learned senior counsel. He would also file a summary chart of the case with details of the amounts, which were credited in the accounts of the company and which have been embezzled.

Adjourned to 29.09.2022.

Interim order(s) to continue till the next date of hearing.

Photocopy of this order be placed on the files of other connected cases.”

Learned State counsel submits that fact regarding amount of Rs.3,73,149/-, credit in the account of the present petitioner, has been confirmed and it is found that the said amount was due to payable to him. He

also refers to para No.13 of the reply, which says as under:-

“That thereafter the Investigating Officer sent a letter regarding the same for verification qua the above said facts and documents to Ramesh Bhovi, who was at that time posted at the post of V.P. (ISEE Staffing Solution Pvt. Ltd.) and he replied regarding the same in writing and stated that the documents submitted by the petitioner before the Investigating Officer are true and correct as he was also working in ISEE Staffing Solution Pvt. Ltd. at that time Vice President and the amount which was credited in the account of the petitioner was his balance salary/dues settlement amount which were due towards the company.

It Officer is also working as also sent submitted a mail that to the Investigating Imran Khan head of HR Department at confirmation regarding the facts and who that time documents stated and submitted by the petitioner before investigating officer and reply regarding the was received on the email of P.S. Sector-14 Panchkula which specifically was sent by stated Imran that Khan, the in which letter he has regarding acceptance of resignation qua the petitioner Ramana Sarkara dated 30.10.2021 was issued by him being AGMER-HR for ISEE Staffing Solution Pvt. Ltd. at that time/period.”

It is further submitted by learned State counsel that petitioner has joined investigation and he is no more required for the purpose of investigation in the present case.

Learned counsel appearing on behalf of the complainant, has vehemently opposed the prayer made in the present petition by submitting that present petitioner is the main accused, who has actively participated for

siphoning crores of rupees to extend benefit to other Directors or the officials of the company.

Be that as it may, since as per stand of prosecution, petitioner has joined investigation and his custodial interrogation is not required in the matter, this Court cannot direct custodial interrogation of the petitioner for no purpose and therefore, present petition is allowed. Consequently, order dated 12.07.2022, is made absolute. Needless to say, the petitioner shall comply with the conditions stipulated under Section 438(2) of Cr.P.C.

(SANJAY VASHISTH)
JUDGE

September 29, 2022

J.Ram

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No