

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

CRM-M-34974-2022

Date of decision : 23.08.2022

Sanjay Kumar @ Kala

..... Petitioner

versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. Akshay Jindal, Mr. Samar P.S. Ahluwalia and
Mr. Arman Goyal, Advocates
for the petitioner.

Mr. Sumit Jain, Addl. A.G., Haryana.

PANKAJ JAIN, J. (Oral)

This petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.484 dated 28.12.2018 for the offences punishable under Sections 406, 420, 467, 468, 471, 477-A and 120-B of IPC (Section 381 of IPC added later on) at Police Station Industrial Sector-7, Manesar, District Gurugram.

2. Counsel for the petitioner submits that the petitioner is not named in the FIR. Whole of the allegations are against one Mukesh Kaushik, who was working as Manager of Finance and Accounts with the complainant company. He submits that the petitioner being employed merely as a Clerk and working under the main accused, had no resources/power/authority to connive in the offence alleged. He further submits that the challan already stands presented.

3. Petitioner is in custody since 03.05.2022. Entire evidence is in form of documentary evidence and thus there cannot be any apprehension that the petitioner will tamper with the evidence.

4. Mr. Jain, while opposing the prayer contends that in fact the petitioner has suffered a disclosure statement as per which he was also beneficiary out of the embezzled amount and has received Rs. 2.5 lakhs. However, he is not in a position to dispute the fact that whole of the thrust of the complaint is against one Mukesh Kaushik who was working as Manager of Finance and Accounts. He admits that challan already stands presented and the petitioner is suffering incarceration since 03.05.2022.

5. The challan already stands presented and the evidence in the present case is in form of documentary evidence. Keeping in view the custody already suffered by the petitioner, the present petition is allowed.

6. Without commenting on the merits of the case, the petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the Ld. Trial Court/Duty Magistrate, concerned.

7. Needless to say anything recorded herein shall be construed to be an expression of an opinion on the merits of the case.

(PANKAJ JAIN)
JUDGE

23.08.2022
Dinesh

Whether speaking/reasoned	Yes
Whether Reportable :	No