

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

Date of Decision: 29th November, 2022

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| 1. | CRM-M-38857-2022 | |
| | Sonu | ... Petitioner |
| | Versus | |
| | State of Haryana | ... Respondent |
| 2. | CRM-M-43931-2022 | |
| | Manhar Gopal Saini | ... Petitioner |
| | Versus | |
| | State of Haryana | ... Respondent |
| 3. | CRM-M-52261-2022 | |
| | Pooja Gera | ... Petitioner |
| | Versus | |
| | State of Haryana | ... Respondent |
| 4. | CRM-M-52838-2022 | |
| | Kulwant Singh | ... Petitioner |
| | Versus | |
| | State of Haryana | ... Respondent |

CORAM : HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present : Mr. Vinod Ghai, Senior Advocate with
Mr. E. A. George, Advocate,
Ms. Kanika Ahuja, Advocate
Mr. Aman Pal, Advocate and
Ms. Ishita Jain, Advocate for the petitioners.

Ms. Geeta Sharma, DAG, Haryana and
Mr. Gurmeet Singh, AAG, Haryana.

AVNEESH JHINGAN , J.(Oral)

1. These four petitions are filed seeking regular bail in case of
FIR No. 109, dated 8th February, 2022, under Sections 409, 420, 467, 468,
471, 120-B, 201, 34 IPC and Section 13 of the Prevention of Corruption
Act, 1988 (for short 'the Act'), registered at Police Station Samalkha,

District Panipat are being disposed of by common order, as the same arise out of one FIR.

2. A scam in Uttar Haryana Bijli Vitran Nigam (for short, 'the Nigam') saw the light of the day on a complaint made by Suresh Kumar on 8.2.2022. He stated that he had friendship with Ajay Sharma and Kamal Sharma who assured him of getting loan from State Bank of India. In November, 2021, an amount of Rs.3,78,200/- was credited in his bank account but he was told by Ajay Sharma and Kamal Sharma that the said amount was wrongly credited. He repaid the amount to them through PhonePe and cash. Later, on an enquiry from the bank it revealed that no loan was sanctioned in his favour. Further he gained knowledge that brother-in-law of Ajay Sharma was employed as driver with Raghav Wadhawan (Clerk in Nigam) and that Ajay Sharma, Kamal Sharma, Pawan and Raghav Wadhawan embezzled amount from the Nigam and intentionally got the amount credited in his account.

3. On the basis of the complaint, FIR was registered. A Special Investigating Team (for short, 'SIT') was constituted. Accused-Pawan Sharma, Ajay Sharma, Yogesh Lamba, Raghav Wadhawan, Atul Sharma, Manhar Gopal Saini (petitioner), Surjeet Gabbar, Pooja Gera (petitioner), Anish Kumar, Executive Engineer-Kulwant Singh (petitioner) and Sonu (petitioner) were arrested and their disclosure statements were recorded. It was found that embezzlement of crores of rupees from State Bank of India's Account of Nigam was done. The disclosure statements revealed the roles of other co-accused and the accused including the petitioners were nominated. Final report qua seven arrested accused was filed.

4. It would not be out of place to mention that on coming to know about the scam, a special audit was ordered. The embezzlement was done from 2016 to 2022. Special audit qua 2018 to 2022 has been done.

5. The *modus operandi* adopted was that for payment of arrears of pay revision and gratuity of the retired employees of Nigam were released by preparing fake and forged Pensioner Payment Order (for short, 'PPO'). The accused in conspiracy with each other prepared vouchers and cheques in the names of their relatives or known persons, deposited the amounts in their accounts and withdrew the same. In other words, the arrears of the pensioners were not paid to the employees but were embezzled by getting it deposited in the accounts of others and withdrawn thereafter.

6. The name, custody period and official status of petitioners are tabulated below:-

Name of the petitioner	Custody	Post
Sonu	16 th June, 2022	ALM
Manohar Gopal Saini	17 th April, 2022	ALM
Pooja Gera	12 th May, 2022	Clerk
Kulwant Singh	16 th June, 2022	XEN

7. Learned counsel for the petitioners submit that investigation is complete, challan stands presented and no further recovery is to be made. The reliance is placed on the orders whereby co-accused Raghav Wadhwan, Ajay Sharma, Yogesh Lamba and Pawan Sharma were granted bail by the Sessions Court.

8. Learned State counsel on instructions oppose the prayer for grant of regular bail, however, they are not able to distinguish the case of

the petitioners qua the co-accused so far as grant of bail is concerned.

9. Without commenting upon the merits of the case, considering the custody period; though the investigation is complete conclusion of the trial is likely to take time; case is prima facie based upon documentary evidence and co-accused have been granted bail, petitioners are granted bail subject to their furnishing bail bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.

10. The petitions are allowed.

11. It is clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

12. A photocopy of this order be placed on the files of connected cases.

(AVNEESH JHINGAN)
JUDGE

29th November, 2022
Parveen Sharma

Whether reasoned/speaking	Yes/No
Whether reportable	Yes/No