

CRM-M-43351-2021

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

CRM-M-43351-2021

Date of decision: 03.02.2022

Ashok Kumar @ Ashok

...Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Saajan Singla, Advocate,
for the petitioner.

Mr. Ashok Singh Chaudhary, Addl. A. G. Haryana.

HARNARESH SINGH GILL, J. (ORAL)

Case is taken up for hearing through video conferencing.

Through this petition, the petitioner seeks anticipatory bail in case bearing FIR No.826 dated 16.09.2017, registered at Police Station Sadar Jhajjar, District Jhajjar, under Sections 409, 420, 467, 468, 471, 201 and 120-B IPC.

Learned counsel for the petitioner contends that the petitioner has falsely been implicated in the present case with a sole motive to cause harassment to him; that the allegation against the petitioner is that he had misplaced/destroyed attendance register of Class-IV employees, whereas it was not the duty of the petitioner to keep and maintain the said register; that there was no allegation against the petitioner with regard to the misappropriation of the funds or fabrication of documents to cause loss to the State exchequer; that co-accused, Surajbhan, Contractor has already

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deposited the alleged misappropriated amount of Rs.7,22,000/- with the department through a cheque, and that the above-named co-accused stands released on regular bail by the learned Addl. Sessions Judge, Jhajjar, vide order dated 09.04.2018.

Learned counsel for the petitioner further contends that Sunil Kumar, in his statement recorded on 04.09.2021, has falsely stated that the petitioner had taken the register from him, and that in the present case, the investigation was conducted in pursuance of the letter dated 28.06.2016 and letter dated 18.07.2016 received from the office of the Superintendent of Police, Chief Minister, Flying Squad, Panchkula. It is further submitted that the alleged taking of the register by the petitioner three months prior to the initiation of the investigation, does not appeal to the common prudence as the petitioner cannot be said to have prior information of the alleged investigation.

On the other hand, learned State counsel while opposing the prayer made by the learned counsel for the petitioner, submits that the petitioner in collusion with co-accused had misappropriated the amount and caused a huge loss to the State exchequer.

I have heard the learned counsel for the parties.

The above-noted FIR stands registered with the allegations that the co-accused had misappropriated the amount of Rs.7,22,000/- of the government by way of cheating and forgery after withdrawing the same on account of salary of the workers shown to be working at two places at the same time. The petitioner has been specifically named in the FIR with the allegations that he had misplaced/destroyed the attendance register of

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outsourced employees. Furthermore, Sunil Kumar, who worked on Contract with Chhochi Cooperative Society Limited Chhochi, stated in his statement dated 04.09.2021 that he had handed over the attendance register to the petitioner, who had never returned the same to him, and that he had also intimated about the same to the senior officer Dr. Murari. The attendance register is the main link evidence, which is required for further investigation. This is the petition for anticipatory bail and the petitioner cannot claim parity with co-accused, Surajbhan for the reason that the latter stands released on regular bail.

Keeping in view the nature and gravity of the offence coupled with the facts that the attendance register is yet to be recovered, this Court finds that the petitioner is required for custodial interrogation.

Therefore, finding no merit in the present petition, the same is dismissed.

03.02.2022

parveen kumar

(HARNARESH SINGH GILL)
JUDGE

Whether reasoned/speaking?

Yes/No

Whether reportable?

Yes/No