

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

208-CRM-M-44150-2022 (O&M)

Date of Decision: 15.12.2022

Manish Kumar

... Petitioner

VS.

State of Haryana

... Respondent

CORAM: HON'BLE MR.JUSTICE SANDEEP MOUDGIL

Present: Mr. Keshav Pratap Singh, Advocate
for the petitioner

Sandeep Moudgil, J. (Oral)

CRM-36288-2022 in CRM-M-44150-2022

Allowed as prayed for.

CRM stands disposed of.

Main cases

The petitioner seeks regular bail in case FIR No.231 dated 15.06.2021 under Sections 409/419/420/467/468/471/120-B IPC, registered at Police Station Sadar Nuh, District Nuh.

Learned counsel for the petitioner contends that the allegations leveled in the FIR with regard to embezzlement of an amount of Rs.1,08,93,129.80 are absolutely baseless. He asserts that from the record, it can be easily inferred that out of the said amount, Rs.67,50,000/- has already been deposited in the account of the Bank and, therefore, no dishonest intention or criminal conspiracy, apart from cheating, can be attributed. He also asserts that challan has been prepared and investigation is complete which has been submitted to the Court on 27.07.2022. Therefore, no fruitful

purpose would be served as no recovery is to be effected from the petitioner, who is in judicial custody.

Notice of motion.

On the asking of the Court, Mr. Chetan Sharma, AAG Haryana accepts notice. He has filed custody certificate dated 14.12.2022 which is taken on record. He, relying upon the order dated 10.08.2022 of the trial court, submits that the embezzlement has been caused, at the behest of the petitioner, in collusion with other co-accused, of huge amount and still recovery of Rs.67 lakhs is yet to be made. Since there is a specific averment by counsel for the petitioner that an amount of Rs.67 lakhs has been deposited, the observation of the trial court with regard to the recoverable amount seems to be erroneously recorded therein as a typographical error which actually is approximately Rs.33 lakhs and odd amount.

Looking at the totality of facts and circumstances and in view of the fact that the conclusion of the trial is likely to take long time and, therefore, no fruitful purpose will be served by keeping the petitioner behind bars, the petitioner is directed to be released on regular bail on furnishing bail and surety bonds to the satisfaction of the Illaqa Magistrate/Duty Magistrate, concerned.

The present petitions are, therefore, allowed.

15.12.2022

V.Vishal

1. *Whether speaking/reasoned?*
2. *Whether reportable?*

(Sandeep Moudgil)
Judge

Yes/No
Yes/No