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

CRM-M-52940-2021

Date of decision: 20.07.2022

SUMIT AWASTHI

...Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR

Present: Mr. Sushil Jain, Advocate for
Mr. K.S. Brar, Advocate
for the petitioner.

Mr. Tanuj Sharma, AAG, Haryana.

Ms. Anita Balyan, Advocate
for complainant.

SURESHWAR THAKUR, J. (ORAL)

1. The instant petition has been filed under Section 439 of Cr.P.C., where through the present bail petitioner seeks indulgence of regular bail being accorded to him.

2. FIR No.274 of 14.09.2019, constitutes therein offences under Sections 406, 420 of IPC, and, is lodged at Police Station Mahesh Nagar, District Ambala, therein the commission of the incriminatory offences are attributed to the bail petitioner.

3. The incriminatory role, as assigned to the present bail petitioner in the petition FIR is that, through his discharging the duties, as a salesman of the complainant, his taking monies from various Corporate entities, and, his thereafter embezzling them. The amount received, and, embezzled by the present bail petitioner, is revealed in the petition FIR to become comprised in a sum of Rs.1.70 crores. However, the petitioner is in judicial custody since September

2019, but yet since the quantum of the embezzlement sum is immense, therefore, unless some reasonable percentum thereof is deposited by the present bail petitioner in the establishment of the learned trial Judge concerned, and, whose disbursement would be subject to the outcome of the trial, thereupon this Court may not become constrained to grant the craved for indulgence qua his being admitted to regular bail.

4. Further at this stage, the learned counsel for the petitioner submits, that the present bail petitioner is ready, and, willing to deposit within a period of three months from today, a sum of Rs.20 lacs, in the establishment of the learned trial Judge concerned. However, he submits the disbursement of the above sums to the concerned, may become ordered to be regulated by the outcome of the trial, as, may become entered into by the learned trial Judge concerned. Accepting the afore made submission, and, for not prolonging the already prolonged judicial incarceration of the present bail petitioner. Hence, the instant petition is allowed, and, the bail petitioner-applicant is ordered to be released from judicial custody. However, the granting of bail to the bail petitioner-applicant, is subject to his furnishing personal, and, surety bonds in the sum of **₹50,000/-** each, before the learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned, and, also subject to his not tampering with prosecution evidence, and, his not influencing prosecution witnesses, and, besides also his appearing before the trial Court concerned, as and when directed to make his personal appearance unless validly exempted. Also subject to his, as, stated before this Court, by the learned counsel for the petitioner, on instructions given to him, by the present bail petitioner, that he shall positively within a period of three months, deposit a sum of Rs.20 lacs, in the establishment of the learned trial Court concerned, but disbursement thereof to the concerned, shall be

regulated by the outcome of the trial, as become entered into by the learned trial Judge concerned.

5. It is clarified that in case the above imperative condition precedent becomes breached, thereupon the investigating officer concerned, shall forthwith arrest the present bail petitioner, and, shall produce him, before the learned Magistrate concerned, for the latter making an order for his being put to judicial custody.

6. It is further clarified that the above order shall take effect only if the petitioner is not facing judicial incarceration in respect of other FIRs, and, in respect thereof he has not been enlarged on regular bail, by an empowered Court.

7. Copy dasti.

(SURESHWAR THAKUR)
JUDGE

20.07.2022

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Whether speaking/reasoned:-	Yes/No
Whether reportable:	Yes/No