

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

**CRM-M No. 2093 of 2023 (O&M)
Date of decision : 29.03.2023**

Mukesh Kaushik

..... Petitioner

versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR.JUSTICE PANKAJ JAIN

Present :- Mr. Partap Singh, Advocate
Mr. Gourav Jangra, Advocate
Mr. Shobhit Rapria, Advocate for the petitioner.

Mr. Ayuwan Singh, AAG, Haryana.

PANKAJ JAIN, J. (ORAL)

This second petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case F.I.R. No.484 dated 28.12.2018 registered under Sections 406/420/467/468/471/477-A and 120-B IPC at Police Station Industrial Sector 7, Manesar, District Gurugram, Haryana.

As per the allegations levelled in the FIR the petitioner while working as Manager Account and Finance in Account Department with the complainant-Company embezzled certain amounts and utilized the same for purchase of INNOVA car in the name of his wife.

Learned counsel for the petitioner states that the petitioner is behind bars since 09.05.2022. Investigation *qua* him already stands concluded and report under Section 173(2) Cr.P.C. stands filed. He further submits that whole of the evidence against the petitioner is in form of

documentary evidence. Once the investigation stands concluded and all the documents are in possession of the police and stand placed before the Court, there is no apprehension that the petitioner shall tamper with the same. He further submits that keeping in view the incarceration suffered by the petitioner, he is entitled for bail.

Per contra, learned State counsel on instructions from Investigating Officer submits that investigation *qua* two other co-accused is still pending. However, he does not dispute *qua* the petitioner's report under Section 173(2) Cr.P.C already stands filed and the petitioner is in custody for more than 10 months. Wife of the petitioner was granted concession of anticipatory bail and has not misused the same.

I have heard learned counsel for the parties and have gone through the records of the case.

In view of the aforesaid facts and circumstances, without commenting on the merits of the case and considering the incarceration suffered by the petitioner, the present petition is allowed. The petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the Ld. Trial Court/Duty Magistrate, concerned.

Needless to say that anything observed herein shall not be construed to be an opinion on the merits of the case.

(PANKAJ JAIN)
JUDGE

29.03.2023
Pooja sharma-I

Whether speaking/reasoned	Yes
Whether Reportable :	No