

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

217

CRM-M-2848-2023 (O&M)

Date of Decision: 24.01.2023

Bharat Bhushan

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Sunny Kadiyan, Advocate, for the petitioner.

Mr. Munish Sharma, AAG, Haryana.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner seeks grant of regular bail in respect of a case registered against him vide FIR No.137 dated 01.07.2020 at Police Station Civil Lines, Gurugram, under Sections 409, 120-B IPC and Sections 13(1)(a) & 13(2) of the Prevention of Corruption Act.
2. The FIR was lodged at the instance of Rishi Kumar, wherein it is alleged that he had succeeded Arvind Sharma, Liquidator in The Gurgaon Co-operative Marketing Society Limited upon his transfer from Jind. It is alleged that when he called for the bank account statements of the said Society pertaining to the previous years i.e. from 2010 to 2020 and scrutinized the same, it was found that the complainant's predecessor Arvind Sharma had withdrawn amounts from the bank account of the Society from 02.04.2014 to 25.06.2020 without seeking prior permission.

It is further alleged that when the complainant asked for an explanation from Arvind Sharma, he could not furnish any satisfactory reply. It is further the case of prosecution that upon investigation, it was found that Arvind Sharma had transferred an amount of Rs.12.5 lakhs in the bank account of the petitioner and his company, who is none else, but complainant's brother-in-law.

3. Learned counsel for the petitioner has submitted that he has falsely been implicated in the present case and that as a matter of fact co-accused Arvind Sharma owed some amount to him and that the petitioner did not know that the same was being returned from the official bank account of the Society.
4. On the other hand, learned State counsel has submitted that since it is a case where the amount in question had been transferred from the official bank account of the Society to the bank account/s of the petitioner or the company owned by him, the complicity of the petitioner is clearly evident, as the petitioner has not been able to show as to whether the Gurgaon Co-operative Marketing Society Ltd. owed any amount to him. Learned State counsel has, however, informed that the petitioner has been behind bars since the last about 7 months and that he happens to be involved in 1 more case. It has also been informed that charges are yet to be framed and as many as 37 PWs have been cited.
5. This Court has considered rival submissions.
6. Without commenting anything as regards merits of the case, but having regard to the custody period of the petitioner and while also noticing that

conclusion of trial is likely to consume time inasmuch as charges have not been framed till date and as many as 37 PWs have been cited, further detention of the petitioner will not serve any useful purpose. The petition, as such, is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

24.01.2023

Vimal

**(GURVINDER SINGH GILL)
JUDGE**Whether speaking/reasoned: **Yes/No**Whether reportable: **Yes/No**