

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

CRM-M-5689-2023 (O&M)
Date of Decision:- 8.2.2023

Mandeep

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Gaurav Sharma, Advocate for the petitioner.

Mr. Surender Singh, AAG, Haryana.

GURVINDER SINGH GILL, J.

1. The petitioner seeks grant of regular bail in a case registered vide FIR No. 109 dated 8.2.2022 under Sections 409, 34, 120-B IPC (Sections 420, 467, 468, 471, 201 IPC and Section 13 of the Prevention of Corruption Act, 1988 added later on) at Police Station Samalkha, District Panipat (Haryana).
2. The FIR was registered at the instance of complainant Suresh Kumar wherein he alleged that he had friendship with Ajay Sharma and Kamal Sharma who assured him of getting a loan from State Bank of India. The complainant alleged that though in the month of November, 2021, an amount of Rs. 3,78,200/- was credited in his bank account but he was told by Ajay Sharma and Kamal Sharma that the same had been credited by mistake and the complainant, believing them, returned the said amount to the accused through *PhonePe* and cash. Later, when the complainant made inquiries from the Bank, it surfaced that no loan had ever been sanctioned in his favour. It also came to be known that Pawan Sharma, brother-in-law of

Ajay Sharma, was working as a Driver with Raghav Wadhawan, who is a Clerk serving in UHBVN and that Ajay Sharma, Kamal Sharma, Pawan Sharma and Raghav Wadhawan had embezzled huge amounts of UHBVN, which they had got credited in the accounts of their known persons and had later got the same withdrawn from such persons.

3. The learned counsel for the petitioner has submitted that the petitioner is nowhere named in the FIR and has been nominated subsequently on the basis of false allegations. The learned counsel has submitted that the facts and evidence of the present case clearly shows that it is Pawan Sharma and Raghav Wadhawan, who were working in UHBVN who had embezzled the funds of UHBVN and had diverted the same to the bank accounts of persons known to them, without such account holders being aware of the same and the same used to be got withdrawn/transferred from such innocent account holders on one pretext or the other. It has been submitted that one cheque for an amount of Rs. 9,63,096/- is alleged to have been credited in the bank account of the petitioner but as a matter of fact two transactions of Rs. 3 lacs each are reflected to have been made immediately thereafter from the bank account of the petitioner i.e. one in favour of co-accused Nikhil Goyal and another in favour of Pawan Sharma and which would show that it is the co-accused who had been using petitioner's account and had benefited from the transactions.
4. Opposing the petition, the learned State counsel has submitted that since it is a case where cheque No.654879 for an amount of Rs. 9,63,096/- had been issued from the bank account of UHBVN and the amount had been credited in the bank account of the petitioner, his complicity is clearly evident. The learned State counsel has informed that the petitioner has been behind bars

since the last 3 months and that challan already stands presented and that the petitioner is not involved in any other case.

5. This Court has considered rival submissions addressed before this Court.
6. Though, the petitioner is not named in the FIR but the police has collected some evidence to show the involvement of the petitioner, in the shape of the bank account of the petitioner. However, this Court cannot lose sight of the fact that the petitioner has been behind bars for 3 months and otherwise is not involved in any other case. Several other co-accused including Sonu, Manhar Gopal Saini, Pooja Gera, Kulwant Singh have already been granted regular bail by this Court vide order dated 29.11.2022 (Annexure P-2). Conclusion of trial is likely to consume time inasmuch as the charges have not even been framed so far. In these circumstances, further detention of the petitioner will not be justified.
7. 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.

8.2.2023

kamal

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned
Whether Reportable

Yes / No
Yes / No