

**223 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****CRM-M-7757-2023****Date of decision : 18.05.2023****Naveen****.....Petitioner****versus****State of Haryana****..... Respondent****CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ*********

Present :- Mr. Navnit Sharma, Advocate for
Mr. Ravinder Singh Dhull, Advocate
for the petitioner.

Mr. Kirpal Singh Thakur, AAG, Haryana.

*********RAJESH BHARDWAJ, J. (Oral)**

Petitioner has approached this Court by way of present petition praying for grant of regular bail in case FIR No.0473 dated 24.09.2021, under Sections 409, 420 of IPC, registered at Police Station Meham, District Rohtak.

Succinctly, as per the facts of the case, the Superintendent, Post Office Rohtak has lodged the FIR. It was alleged that Naveen (petitioner) was working as post master Ellanabad Sub Post Office (Hisar Zone). During the period from 28.10.2013 to 24.07.2020 he made embezzlement amounting to Rs.13,49,700/-. It was alleged that accused Naveen had collected money from the investors in the Sukanya Smriddhi Accounts but did not deposit the same in the account of the post office and thus, on checking of the accounts, it was found that, he had embezzled total amount of Rs.13,49,700/-. Prayer was made to register the case and take legal action against the accused. On this, FIR was registered and investigation commenced. Petitioner was arrested on 03.11.2022. He approached the

Court of learned Additional Sessions Judge, Rohtak praying for grant of bail. However, after hearing for both the sides, learned Additional Sessions Judge declined the same vide order dated 12.01.2023. Aggrieved by the same, petitioner is before this Court praying for grant of regular bail.

Learned counsel for the petitioner has contended that the petitioner has been falsely implicated in this case. He has fairly submitted that the petitioner was working as a post master and the allegations against him was regarding embezzlement of money from 28.10.2013 to 24.07.2020. He submits that after registration of the FIR, petitioner has already deposited the amount in the accounts and thus, the alleged amount has already been recovered. He has submitted that the petitioner is public servant and all the allegations against him are based on the documentary evidence. He submits that the alleged embezzled amount already stands recovered. He further submits that the investigation is complete and the charges are also framed. He has submitted that the petitioner is not involved in any other case and thus, in the facts and circumstances of the case, he deserves to be granted regular bail.

Learned State counsel, on the other hand, has opposed the submissions made by counsel for the petitioner. He submits that there are specific allegations of embezzlement against the petitioner who misused his authority by embezzling the amount of Rs.13,49,700/-. However, he submits that the embezzled amount was recovered after registration of the FIR. He submits that investigation is complete and charges are also framed. He further submits that, as per instructions from ASI Rajeev, out of 13 prosecution witnesses, 02 witnesses already stand examined. He submits that as per instructions, petitioner is not involved in any other case.

I have heard counsel for the parties and perused the record.

Petitioner is behind bars since 03.11.2022. Admittedly, the petitioner is a public servant who allegedly, embezzled amount of Rs.13,49,700/-. As submitted before this Court, the said amount has already been recovered. The allegations primarily rest on the documentary evidence and the alleged embezzled amount is already recovered. There is nothing on record to show that the petitioner has any criminal antecedents. Out of 13 prosecution witnesses, 02 witnesses already stand examined.

The veracity of the allegations would be assessed only after conclusion of the trial and on the appreciation of evidence to be led by both the parties before the trial Court. This Court would refrain itself from commenting anything on the merits of the case. Keeping in view the arguments raised by both the sides and perusing the record, this Court is of the opinion that learned counsel for the petitioner succeeds in making out a case for grant of regular bail. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

18.05.2023
m. sharma

(RAJESH BHARDWAJ)
JUDGE

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