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

CRM-M-15900-2023

Date of Decision: 06.09.2023

Lekha Ram

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Raj Mohan Singh, Advocate,
for the petitioner.

Mr. Naveen Kumar Sheoran, DAG, Haryana.

JASGURPREET SINGH PURI, J. (ORAL)

1. The present petition has been filed under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail to the petitioner in FIR No.326, dated 27.11.2021, under Sections 408, 420, 120-B & 201 IPC registered at Police Station Sushant Lok, District Gurugram.

2. It is submitted by learned counsel for the petitioner that in pursuance of the order dated 10.05.2023, the petitioner has already joined the investigation and he has fully cooperated with the investigation process, and therefore, has prayed that the aforesaid interim order may be made absolute.

3. On the other hand, Mr. Naveen Kumar Sheoran, learned Deputy Advocate General, Haryana on instructions from ASI Sazid Hussain, has stated that although the petitioner has joined the investigation but the recovery of Rs.1 lac is yet to be effected from the petitioner.

4. I have heard the learned counsel for the parties.

5. In the present case, the FIR was lodged on the basis of the allegations made by the complainant which is a company doing the business of

transportation of goods through road as well as through rail and they hire vehicles for the aforesaid purpose. One of the co-accused, namely, Rahul Sharma was working as Traffic Incharge of the aforesaid company and another co-accused, namely, Dhanna Ram was the owner of one Shivam Cargo Movers, who was providing the vehicle to the complainant-Company. The petitioner is stated to be only an employee of the aforesaid Dhanna Ram and the allegations were with regard to misappropriation of money. So far as the objection raised by the learned State counsel that Rs.1 lac is yet to be recovered from the petitioner, the same cannot become a ground for denial of anticipatory bail to the petitioner especially when he has already joined the investigation and he was not the owner of any company but he was only a driver of one of the co-accused and even otherwise also, even if there is a transaction of Rs.1 lac, it can be seen only at the time of trial by way of adducing evidence as to for what purpose, the aforesaid amount, if any, was given to the petitioner.

6. In view of the aforesaid position, this Court deems it fit and proper to confirm the interim anticipatory bail earlier granted to the petitioner. Consequently, the present petition is allowed and the order dated 10.05.2023 is hereby made absolute.

06.09.2023*Bhumika***(JASGURPREET SINGH PURI)
JUDGE**

1. Whether speaking/reasoned:	Yes/No
2. Whether reportable:	Yes/No