

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

**CRM-M-20155-2023
Date of Decision : 18.05.2023**

Rajeev Ranjan

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR. JUSTICE VIKRAM AGGARWAL

Present : Mr. Bhavdeep Singh Mamli, Advocate
for the petitioner.

Mr. Surender Singh, AAG, Haryana
for the respondent-State.

VIKRAM AGGARWAL, J

1. The present petition filed under Section 482 of the Code of Criminal Procedure (for short 'Cr.P.C.') assails the order dated 04.02.2023 (Annexure P-3), passed by the Sub Divisional Judicial Magistrate, Pataudi, vide which the application filed by the petitioner under Section 437 (6) Cr.P.C. for the grant of bail was dismissed and the order dated 03.04.2023 (Annexure P-5), passed by the Additional Sessions Judge Gurugram vide which the revision petition filed against the said order was dismissed. Prayer has further been made to release the petitioner on bail as per the provisions of Section 437 (6) Cr.P.C. in FIR No.0119 dated 27.04.2021, registered under Sections 409, 419, 420, 467, 468, 471 IPC, at Police Station Furrukh Nagar, District Gurugram.

2. The petitioner was working as a Deputy Manager in the State Bank of India, Farrukh Nagar, District Gurugram. A complaint was submitted by the Branch Manager alleging that the petitioner had committed a fraud of ₹1,03,05,486/- (One crore three lacs five thousand four hundred eighty six) from November, 2017 to November, 2018. It was alleged that the petitioner had raised unauthorized debt in the KCC account through cash withdrawals and bank transfer to other accounts on different dates. An audit was conducted in which this fraud was detected. Accordingly, the FIR in question was registered. After the investigation, final report under Section 173 Cr.P.C. was submitted and presently the trial is going on.

3. Learned counsel for the petitioner has submitted that both the Courts below gravely erred in rejecting the case of the present petitioner. Reference has been made to the provisions of Section 437 (6) Cr.P.C. and it has been submitted that since the trial has not been concluded within a period of 60 days from the first date of evidence, the petitioner deserves to be released on bail. Learned counsel has submitted that out of a total 62 witnesses, only 09 have been examined till date. Learned counsel contends that the trial will still take a very long time and, therefore, the petitioner deserves to be released on bail.

4. On the other hand, learned counsel representing the respondent-State of Haryana has opposed the prayer. It has been submitted that the provisions of Section 437 (6) Cr.P.C. are not mandatory and, therefore, the Courts below did not commit any illegality in rejecting the application of the petitioner as the allegations are very serious.

5. I have considered the submissions, made by learned counsel for

the parties.

6. Admittedly, initially the petitioner filed an application for grant of regular bail which was dismissed by the trial Court as also by the Court of Sessions. He then approached this Court but withdrew the petition on 24.11.2022. The order dated 24.11.2022, passed in CRM-M-41024-2022, titled as Rajeev Ranjan vs. State of Haryana, is on record as Annexure P-6. Thereafter, the petitioner moved an application under Section 437 (6) Cr.P.C. which was dismissed by the trial Court on 04.02.2023 and the revision petition was dismissed on 03.04.2023. The petitioner was arrested on 13.03.2022. Initially, final report under Section 173 Cr.P.C. was submitted on 10.06.2022 and charges were framed on 06.09.2022. Thereafter, supplementary challan was filed on 24.11.2022. Presently the trial is going on and out of 62 witnesses, 09 are stated to have been examined.

7. I have also perused the interlocutory orders of the trial Court which have been placed on record as Annexure P-2. No doubt, the matter is being adjourned for evidence of the prosecution. However, a perusal of the interlocutory orders shows that there is no unnecessary adjournment. The allegations against the petitioner are very serious. He is alleged to have committed a huge fraud with a nationalized bank. The provisions of Section 437 (6) Cr.P.C. are not mandatory and an application for bail under the said provision can be declined for the reasons to be given.

8. As has been observed, the allegations are very serious and adjournments are not being granted on flimsy grounds. If the petitioner is released on bail, he may try to influence the witnesses and may also abscond.

In the considered opinion of this Court, the orders passed by the Courts below

do not suffer from any illegality and are infact pefectly legal, in view of the gravity of the allegations.

In view of the above, I do not find any merit in the present petition and the same is hereby dismissed.

(VIKRAM AGGARWAL)
JUDGE

18.05.2023
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Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No

Prayer in the present petition preferred under Section 482 of the Code of Criminal Procedure is for quashing of FIR No.18 dated 13.03.2022, registered under Sections 279, 337 and 338 IPC (Section 338 IPC added lateron), at Police Station Banga, District SBS Nagar alongwith all subsequent proceedings arising therefrom on the basis of compromise dated 02.03.2023, arrived at between the parties.

Notice of motion

On the asking of the Court, Mr. Dhruv Dayal, Addl. AG, Punjab accept notice on behalf of respondent No.1. Mr. Abhinav Singh, Advocate has appeared on behalf of respondent No.2 and has filed his power of attorney. Learned counsel for respondent No.2 admits to the factum of compromise arrived at between the parties.

List on 06.09.2023.

In the meantime, the parties are directed to appear before the trial Court/Area Magistrate for recording of their statements with regard to the compromise/settlement on 13.07.2023 or on any other date convenient to the Court.

The trial Court/Area Magistrate is directed to submit a report on or before the next date of hearing containing the following information:-

1. The number of persons arrayed as accused.

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2. Whether any accused is/are proclaimed offender/s or proclaimed person/s.
3. Whether the compromise is genuine, voluntary and without any coercion or undue influence.
4. Whether the accused persons are involved in any other

FIR/criminal case.

5. The trial Court is also directed to record the statement of the Investigating Officer with regard to the number of victims/complainants and the accused in the present case.

The State of Haryana/Punjab shall also file a status report/reply on or before the next date of hearing. Specific reply with regard to points No.1, 2 and 4, mentioned above, be also given in the said status report/reply.