

In The High Court for the States of Punjab and Haryana
At Chandigarh

CRM-M-24928-2023 (O&M)
Date of Decision:- 22.05.2023

Kamal Sharma ... Petitioner

Versus

State of Haryana ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Naveen Bawa, Advocate, for the petitioner.

Mr. Gurmeet Singh, AAG, Haryana,
assisted by PSI Sourabh.

FIR NO.	DATE	POLICE STATION	OFFENCES
109	08.02.2022	Samalkha, District Panipat	409, 120-B, 34 IPC (Sections 201, 420, 467, 468, 471 of IPC and Section 13 of the Prevention of Corruption Act, 1988 added later on)

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner seeks grant of regular bail in a case registered in a case arising out of above mentioned FIR.
2. A scam in Uttar Haryana Bijli Vitran Nigam (for short, 'the Nigam') saw the light of the day on a complaint made by Suresh Kumar on 8.2.2022. He stated that he had friendship with Ajay Sharma and

Kamal Sharma who assured him of getting loan from State Bank of India. In 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 said amount was wrongly credited. He repaid the amount to them through PhonePe and cash. Later, on an enquiry from the bank it revealed that no loan was sanctioned in his favour. Further he gained knowledge that brother-in-law of Ajay Sharma was employed as driver with Raghav Wadhawan (Clerk in Nigam) and that Ajay Sharma, Kamal Sharma, Pawan and Raghav Wadhawan embezzled amount from the Nigam and intentionally got the amount credited in his account.

3. Learned counsel for the petitioner submits that he has falsely been implicated in the present case and that since the investigation has already been concluded qua the petitioner and challan already stands presented he deserves the concession of bail particularly when other identically situated co-accused including Ajay Sharma have already been granted regular bail.
4. Opposing the petition, learned State counsel has pointed out that it is a case where an amount of Rs.3,78,200/- was found to have been siphoned off by the petitioner and since the said amount is yet to be recovered, no case for grant of bail is made out. Learned State counsel has however, not disputed the fact that several other co-accused including Ajay Sharma have already been granted regular bail.
5. This Court has considered the rival submissions.

6. Having regard to the nature of allegations and the fact that the petitioner has been behind bars since the last about 2 months and challan already stands presented, further detention of the petitioner will not be justified. The petition, as such, is accepted and the petitioner is ordered to be released on bail subject to his furnishing bail bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

22.05.2023

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(GURVINDER SINGH GILL)

JUDGE

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