

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-29203-2022
Date of Decision:-22.03.2023

VISHAL KUMAR

... Petitioner

Versus

STATE OF HARYANA

... Respondent

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CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

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Present:- Mr. Vansh Malhotra, Advocate
for the petitioner.

Mr. Vishal Kashyap, DAG, Haryana.

Mr. Varun Mittal, Advocate for
Mr. Vikas Mohan Gupta, Advocate
for the complainant. .

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KARAMJIT SINGH, J. (Oral)

The petitioner has approached this Court seeking grant of regular bail in a case having FIR No.171 dated 29.8.2021 registered under Section 409 IPC (Sections 467, 468, 471, 120-B IPC added later on) at Police Station Sector-65, District Gurugram.

As per the allegations recorded in the FIR, co-accused Nirod Kumar Rout was working as an Executive (Accounts) in Biba Apparels Pvt. Ltd. and Legal Head of the said company reported to the police that said

Executive (Accounts) embezzled huge amount worth Rs.83.16 lac belonging to the company, before he left the job. During investigation, it was found that out of the said amount of Rs.23 lac was transferred in the bank account of the petitioner who was neighbour of said Executive (Accounts). Resultantly the petitioner was arrested on 25.1.2022.

The counsel for the petitioner *inter alia* contends that the petitioner is having nothing to do with the complainant company and the alleged transactions whereby Nirod Kumar Rout committed embezzlement of funds of the company. The counsel for the petitioner further submits that the petitioner is in custody for the last 1 year and 1 month and is having no criminal history and that it will take considerable time for the trial to conclude. So prayer is made that the petitioner be released on regular bail.

The present petition is contested by the State counsel as well as by counsel for the complainant, who submit that no doubt the amount was embezzled from the accounts of the complainant company by Nirod Kumar Rout who was working as Executive (Accounts) but there is also evidence that some of the embezzled amount worth Rs.23 lac had gone to the bank account of the petitioner. However, the State counsel has not disputed the fact that the petitioner is in custody for last more than 1 year and that the trial is at its initial stage. The State counsel further apprised the Court that main accused Nirod Kumar Rout has been arrested and during investigation nothing was recovered from the possession of the petitioner.

I have considered the submissions made by counsel for the parties.

Admittedly all the offences are triable by the Court of Judicial Magistrate Ist Class and the petitioner is in custody for the last more than 1 year and 1 month and is having no criminal history. After completion of investigation the police has presented the challan but the trial is at its initial stage and it will take considerable time for the trial to terminate. So no purpose is going to be served by prolonging the judicial custody of the petitioner.

In view of the above, as it will take time for the trial to conclude, so no purpose is going to be served by keeping the accused behind the bars for any longer period.

Thus, without commenting on the merits of the case, the petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail and surety bonds to the satisfaction of the trial Court/CJM/Duty Magistrate concerned.

22.03.2023
Gaurav Sorot

(KARAMJIT SINGH)
JUDGE

Whether reasoned / speaking?	Yes / No
Whether reportable?	Yes / No