

CRM-M-12344-2024 (O&M)

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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-12344-2024 (O&M)
Date of decision: 13.05.2024

Mukesh Kumar @ ShubhamPetitioner.

Versus

State of HaryanaRespondent.

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present:- Mr. Mohit Shukla, Advocate,
for the petitioner.

Mr. Surender Singh, AAG, Haryana.

Mr. Vipul Dharmani, Advocate,
for the complainant.

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SANJIV BERRY, J. (ORAL)

Instant petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR (Annexure P-1). Details of the FIR are as under: -

FIR No.	Dated	Sections	Police Station
170	08.06.2023	120-B, 406, 420, 467, 468 and 471 IPC	City Ratia, District Fatehabad

2. It is, *inter alia*, submitted by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in this case, being the employee of Bajaj Finance Company. He submits that role attributed to the petitioner is that he was supposed to upload

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the documents. He submits that the petitioner has not in any manner connived with the co-accused nor is he having any concern with the alleged transactions. He further submits that the petitioner is in custody since 08.12.2023.

3. Learned counsel for the petitioner, while referring to Annexure P-3 submits that the petitioner has joined Bajaj Finance Company only on 06.02.2023 and was not an employee of the Company, during the period under reference in the instant FIR and as such, he has no criminal liability and prays for grant of regular bail to the petitioner.

4. Per contra, learned State counsel, while referring to the reply dated 03.04.2024, has submitted that the petitioner had been actively conniving with the co-accused in committing the crime and as such, he is not entitled to concession of bail. He, however, admitted that challan has since been presented in the Court after the arrest of the petitioner on 08.12.2023.

5. After considering the rival contentions and perusing the record, it transpires that the instant FIR was registered after various complaints being received against the accused regarding breach of trust and embezzlement of the loan amount on the basis of agreement dated 08.02.2019 executed between Bajaj Finance Company and the Firm-M/s Five Star Imports Ratia, through proprietor Dheeraj Kumar. During the course of investigation, the petitioner was arrested on 08.12.2023

After completion of investigation challan has since been presented against the petitioner and the criminal liability, if any, of the petitioner can only be ascertained after the conclusion of trial which may take sufficient long time and in these circumstances, as observed, no purpose would be served in keeping the petitioner in custody any longer to face the incarceration till the conclusion of trial. Accordingly, without commenting on the merits of the case, instant petition is allowed and the petitioner is ordered to be released on bail on his furnishing surety bonds/bail bonds to the satisfaction of learned Trial Court/Duty Magistrate.

6. The petitioner shall give the undertaking that he will not leave the country without prior permission of the Court; will regularly appear before the learned Trial Court on each and every date; in case of some exigency, he will seek prior permission of the concerned Court qua his exemption to appear on the date fixed and he will not tamper with evidence of prosecution in any manner.

7. However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is only meant for the purpose of decision of present petition.

8. Petition stands allowed.

13.05.2024

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- i) Whether speaking/reasoned?
- ii) Whether reportable?

(SANJIV BERRY)
JUDGE

- Yes/No
- Yes/No