



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

211

CRM-M-18042-2024
Date of decision: October 23rd, 2024

Deepak Kumar
.....Petitioner

Versus

State of Haryana
.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Akshay Kumar Jindal, Advocate
for the petitioner.

Ms. Trishanjali Sharma, Deputy Advocate General,
Haryana.

MANJARI NEHRU KAUL, J. (ORAL)

Petitioner is seeking the concession of anticipatory bail under Section 438 of the Cr.P.C. in case FIR No.98 dated 13.02.2023 under Sections 409, 34, 120-B of the IPC, registered at Police Station Gurgaon Sadar, District Gurugram.

2. While issuing notice of motion on 15.04.2024, following submissions of learned counsel for the petitioner were recorded:-

“Learned senior counsel inter alia submits that the petitioner was not a Director of the Company at the time of alleged misappropriation, having resigned on 28.12.2011 when his tenure as Additional Director ended, as is evidenced from the report of the Ministry of Corporate Affairs (Annexure P-2). It has been further argued and emphasized that although the petitioner was an authorized signatory of the Company’s bank account, but was not involved in its day to day operations when the funds in question were received in the year 2012. It has also been submitted that the petitioner was not even a signatory to the Memorandum

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of Understanding (MOU) with the complainant which was executed on 03.10.2012 i.e. after his resignation. Learned senior counsel has still further submitted that as per the records, an amount of only ₹2.50 lacs was deposited in his bank account, which he was willing to return to the complainant.”

3. Thereafter, vide order dated 24.07.2024, the petitioner had been granted interim anticipatory bail with direction to join investigation and following submissions of learned State counsel were recorded:-

“Learned State counsel, on instructions, has not disputed that other than a deposit of ₹2.50 lacs, no other money was transacted into the account of the petitioner. However, she submits that the petitioner was an authorized signatory in some other bank accounts wherein various sums of money were transferred by the complainant. Learned State counsel has also not disputed that one of the co-accused Krishan Bansal has been enlarged on regular bail, while the prime accused has since expired.”

4. Learned counsel for the petitioner submits that in compliance of order dated 24.07.2024, the petitioner has joined investigation and cooperated with the investigating agency.

5. Learned State counsel, on instructions, does not dispute the factum of the petitioner having joined investigation and cooperated with the investigating agency. She, on further instructions, submits that the petitioner is not required for further investigation much less for his custodial interrogation.



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6. In view of the above, the petition is allowed and interim order dated 24.07.2024 is made absolute subject to the conditions laid down in Section 438(2) Cr.P.C.

October 23rd, 2024

Puneet

**(MANJARI NEHRU KAUL)
JUDGE**

Whether speaking/reasoned : Yes

Whether reportable : No