

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-18463-2024
Date of decision:-30.05.2024

SANJEEV KUMAR ... Petitioner

Versus

STATE OF HARYANA ... Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY.

Present:- Mr. Namit Kumar Khurana, Advocate for the petitioner
Mr. Surender Singh, AAG, Haryana.
Mr. Puneet Jindal, Sr. Advocate with
Ms. Malvi Aggarwal, Advocate for the complainant.

SANJIV BERRY, J. (ORAL)

The instant petition has been preferred by the petitioner under
Section 439 of the Code of Criminal Procedure for grant of regular bail in the
following case (Annexure P-1):-

FIR No.	Dated	Sections	Police Station
401	19.05.2023	406,409,420, 466, 467, 468, 471, 477A, 120-B IPC	City Yamuna Nagar, District, Yamuna Nagar

2. In a nutshell brief facts of the case are that a complaint dated
19.05.2023 was lodged by Pawan Narula, Executive Engineer, (OP)
Division, UHBVN, Yamuna Nagar (UHBVN hereinafter referred to as
Nigam) alleging that M/s S.B. Roadline Shop No.9, Booter Market, Sasouli
Road, Opposite Government School, Yamuna Nagar is an authorized
contractor of the Nigam for carrying out the electrical works under said
Division. On checking of the record for the years 2021-22 and 2022-2023 it



was found that M/s S.B. Roadline has submitted forged bills in the office of (OP) Division, UHBVN, Yamuna Nagar and encashed the payment against illegal and false bills in connivance with some employees of Nigam. Approximately, an amount of ₹2,01,28,255/- has been encashed against the forged and fake bills and total loss to the Nigam will be calculated in due course after completion of final audit. On the basis of the information, FIR was registered and SIT was constituted to inquire into the matter. Accused Kulwant Singh and Rajbir Singh were interrogated and arrested. Special Audit Report was prepared by Executive Engineer (OP), UHBVN, Yamuna Nagar in which there is an embezzlement of ₹11,07,22,106.18/- by S.B. Road lines.

3. It is *inter alia* contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in this case. He submits that petitioner was not named in the FIR and is in custody since 19.10.2023. He further contends that petitioner had no role to pay in the alleged transactions as he was simply an employee working in the Company M/s S.B. Roadlines and had not in any manner participated in the process. He contends that even the recovery effected from the petitioner after his arrest is of CPU which has no concern. He submits that after completion of investigation, challan has been presented in Court and Co-accused Balbir Singh has already been granted concession of bail by learned trial Court, as such, he prays for grant of concession of regular bail to the petitioner.

4. *Per contra*, learned State counsel assisted by learned Senior Counsel for the complainant has opposed the bail application by arguing that the petitioner being an employee of M/s S.B. Roadlines has been instrumental in preparing the fake bills and had admitted that recovery of



CPU has been effected from the petitioner who is in custody since 19.10.2023, as such they prayed for dismissal of the petition.

5. After considering the rival contentions and perusing the record, it transpires that the petitioner had been arrested in this case on the allegations that he being employee of M/s S.B. Roadlines has actively participated in the preparation of fake bills and payment has been made to M/s S.B. Roadlines by the co-accused. The petitioner is not having any criminal antecedents and even during his interrogation recovery of only CPU has been effected with which the prosecution is yet to establish any connection of the petitioner by leading evidence. The petitioner is in custody since 19.10.2023, Challan has already been presented in Court. The conclusion of trial to ascertain criminal liability, if any, of the petitioner will take sufficient long time and no purpose would be served by detaining the petitioner in custody any longer.

6. Resultantly, the present petition is allowed. The petitioner is ordered to be released on regular bail subject to furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court concerned, if not required in any other case; undertaking to regularly appear on each and every date; not to leave the country without prior permission of the Court; and not to tamper with evidence of prosecution in any manner.

7. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

(SANJIV BERRY)
JUDGE

30.05.2024

Gyan	i)	Whether speaking/reasoned?	Yes/No
	ii)	Whether reportable?	Yes/No