



**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CRM-M-19423-2024

Date of Decision:-22.05.2024

Ajay Mathur.

.....Petitioner.

Vs.

State of Haryana.

.....Respondent.

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Mr. Naveen Kumar, Advocate &
Mr. Arman Goyal, Advocate for the Petitioner.

Mr. Kanwar Sanjiv Kumar, Assistant Advocate General,
Haryana.

JASJIT SINGH BEDI, J.(ORAL)

The Prayer in this petition under Section 439 Cr.PC is for the grant of regular bail in case FIR No.0350 dated 17.11.2022 under Sections 408 IPC registered at Police Station PGIMS, District Rohtak.

2. The present FIR came to be registered at the instance of Arun Sharma, Branch Manager, CMS Company and reads as under:-

“ To, SHO P.S PGIMS Rohtak Sir, I, Arun Sharma, I am working as Branch Manager in CMS Company. Our company has provided employees to PGI for INDSLAND BANK and Ajay Mathur has been appointed as supervisor over these employees. On 14/11/22 I was told by Rakesh Bank Manager Indsland Bank that cash of three days has not been deposited. Thereafter I talked with Jasbir on phone and came to know that cash is less there. Then I went to window no. 24 in Medical and talked with all the



employees present there and came to know that Ajay Mathur had taken away Rs. 165300/- on 10-11-2022 and Rs 84975/- and Rs. 5000/- on 11/11/22 from Trama Center. Yesterday on 16/11/22 at 11.00 A.M, I called Ajay on phone and he picked up phone in evening and said that he would deposit cash on 16/11/22 at 11.00 A.M but has not deposited cash till now. Besides, Ajay Mathur has also taken away cash of some other employees Beena Singh details of which are that on 12/11/22 Rs. 80250/-, on 13/11/22 Rs. 20000/- in Morning Shift from Rajiv and Rs. 40000/ in Night Shift from Vikram. You are requested to take action on our complaint.

SD- Yours faithfully, Arun Sharma S/o Ishwar Singh R/o Jant Colony."

3. Pursuant to the registration of the FIR the petitioner was arrested on 15.11.2023 and got an amount of Rs.20,500/- recovered.

4. The Counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. The FIR was based on hearsay evidence. In fact, the petitioner had been made a scapegoat as he was posted as a supervisor. The recovery of money has been planted upon the petitioner. As he was a first time offender, in custody since 15.11.2023 and none of the 19 PWs had been examined so far, the Trial of the present case was not likely to be concluded anytime soon and the petitioner was entitled to the concession of bail more so when the case was triable by the court of a Magistrate.

5. The learned State counsel has filed reply by way of affidavit of Mr. Vivek Kundu, HPS, Deputy Superintendent of Police, Rohtak in the court today, which is taken on record. While referring to the said reply he contends that the petitioner was arrested and during the course of investigation, it was found that he had misappropriated a sum of



Rs.3,95,525/-. Therefore, the nature of the allegations levelled against the petitioner did not entitle him to the concession of bail. He however concedes that the petitioner was a first time offender, in custody since 15.11.2023 and that none of the 19 Pws had been examined so far and that the case was triable by the court of a Magistrate.

6. I have heard the learned counsel for the parties.

7. This Court in the case titled as ***Maninder Sharma Vs. State Tax Officer, State, Mobile Wing, Jalandhar, Punjab*** bearing CRM-M-24033-2021(O&M) Decided on 31.08.2022 has held as under:-

“ Therefore, broadly speaking (subject to any statutory restrictions contained in Special Acts), in economic offences involving the IPC or Special Acts or cases triable by Magistrates once the investigation is complete, final report/complaint filed and the triple test is satisfied then denial of bail must be the exception rather than the rule. However, this would not prevent the Court from granting bail even prior to the completion of investigation if the facts so warrant. ”

8. The veracity of the prosecution case against the petitioner and his co-accused shall be adjudicated upon during the course of the Trial. Admittedly, he is a first time offender, in custody since 15.11.2023 but none of the 19 prosecution witnesses have been examined so far. Therefore, the Trial of the present case is not likely to be concluded anytime soon. Nothing significant has been pointed out by the State that the petitioner would abscond from the Trial, tamper with the evidence or influence the witnesses, if he is granted the concession of regular bail. Therefore, his further incarceration is not required.

9. Thus without commenting on the merits of the case, the present petition is allowed and the petitioner-Ajay Mathur son of Sh. Bijender



Singh is ordered to be released on bail subject to his furnishing bail bonds and surety bonds to the satisfaction of learned CJM/Duty Magistrate, concerned.

10. The petitioner shall appear before the police station concerned on the first Monday of every month till the conclusion of the trial and inform in writing each time that he is not involved in any other crime other than the cases mentioned in this order.

11. In addition, the petitioner (or anyone on his behalf) shall prepare an FDR in the sum of Rs.50,000/- and deposit the same with the Trial Court. The same would be liable to be forfeited in accordance with law in case of the absence of the petitioners from the Trial without sufficient cause.

11. The petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

May 22, 2024
Vinay

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