



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CRM-M-30165-2024
Date of Decision: June 19, 2024

Sameer Kumar JhaPetitioner(s)

Vs.

State of HaryanaRespondent(s)

CORAM: HON'BLE MRS. JUSTICE SUDEEPTI SHARMA

Present: Mr. Sunil Hooda, Advocate
Mr. M.L. Yadav, Advocate and
Mr. Harish Chand, Advocate for the petitioner(s).

Mr. R. S. Budhwar, Addl. A.G. Haryana.

Mr. Sangram S. Saraon, Advocate and
Ms. Shubhreet Kaur, Advocate for the complainant

SUDEEPTI SHARMA.J. (ORAL)

The present petition is under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail to the petitioner in FIR No. 0139 dated 22.05.2024, registered under Sections 420/467/468/471/120-B of the Indian Penal Code, 1860 (for short, 'IPC') at Police Station Sector 53, Gurugram, District Gurugram.

2. Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present FIR and such a huge amount could not be mis-appropriated by him.
3. Learned counsel for the complainant submits that the petitioner was to look after the finance and accounts of the company. As per the FIR, since he was looking after the complete finance and accounts of the company, his email ID was duly registered with the bank. Therefore, he has made many fraudulent



transactions causing loss to the tune of Rs.3.45 crores to the company, therefore, he is not entitled to grant of concession of anticipatory bail.

4. Learned counsel for the State argues on the lines of the complainant and opposes the grant of anticipatory bail to the petitioner. He submits that custodial interrogation of the petitioner is required to find out the misappropriation of the accounts and amount is yet to be recovered from him.

5. I have heard learned counsel for the parties and perused the FIR. Since the allegations are serious in nature as such, the petitioner does not deserve the concession of grant of anticipatory bail.

6. A perusal of the reply filed to the bail application before the Additional Sessions Judge, Gurugram reveals that the petitioner during the investigation of complaint has himself conceded that around Rs.70-80 lacs has come to his personal account and as such his custodial interrogation was required.

7. Since the allegations against the petitioner are serious in nature as he had siphoned off the huge amount of the company, therefore, his custodial interrogation is required to find out the *modus operandi* of the entire illegal activity as well as recovery of embezzled amount.

8. In view of the above, since the investigation is at initial stage, therefore, no ground is made out to grant concession of anticipatory bail to the petitioner, hence, the present petition is dismissed.

9. All pending applications, if any, stand disposed of.

(SUDEEPTI SHARMA)
JUDGE

June 19, 2024

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Whether speaking/reasoned:
Whether reportable:

Speaking
Yes / No