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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-32309-2024
Date of Decision:- 12.08.2024

PRADEEP ....Petitioner

Vs.

STATE OF HARYANA ...Respondent

CORAM:-HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present:- Mr. Amitabh Tewari, Advocate and Ms. Mehak Arora, Advocate for petitioner.

Mr. Rupinder Singh Jhand, Addl. A.G., Haryana.

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AMARJOT BHATTI, J. (Oral)

1. Petitioner – Pradeep has filed the instant petition under Section 438 Cr.P.C. for grant of anticipatory bail in FIR No.251 dated 12.06.2024 under Sections 406, 420 and 120-B IPC, Police Station Purani Sabzi Mandi Rohtak, District Rohtak, Haryana.

2. Facts of the case are that Prashant Chaudhary complainant filed written complaint alleging that Pardeep Kumar is the Accounts Head and his brother Ajay is Cashier in their office i.e. Autoveer Private Limited and B.A. Motors Private Limited. On reconciliation of account, it came into light that significant amount paid by the customers was not deposited in the account of organization and the same was embezzled by the aforesaid persons. Apart from that they manipulated the record and siphoned off cash

money during financial year 2023-2024. Despite numerous verbal and written requests, they stopped communication and abandoned their respective duties. Their organization has suffered financial loss approximately Rs.90 lakhs to 1 Crore.

Reconciliation of account was still under progress. With these allegations, present FIR was registered and the matter was enquired by Economic Offences Wing, Rohtak. It was found that Pradeep, Accounts Head and Ajay Cashier showed wrong entries regarding amount received in Day Book Record of the company and also made bogus entries and embezzled huge amount. Thereafter, present FIR has been registered.

3. Learned counsel for petitioner argued that in-fact present petitioner had contributed a sum of Rs.10 lakhs in the company from his personal account and account of his wife. After one year a sum of Rs.5 lakhs were returned by depositing it in their account and he was demanding balance of Rs.5 lakhs but the same was not returned. In the month of March, 2024 he demanded money along with interest but the complainant refused to listen him. He was fired by the complainant from service on 04.04.2024 without any rhyme or reason. Thereafter, he left the premises of company at 1.30 pm/2 pm on the same day. On 08.04.2024, he was called by Mr. Chetan Sharma employee of company to handover the files and stamp. Petitioner visited the company on 09.04.2024 and at that time allegations of embezzlement were levelled against him. He was threatened and beaten up and was forced to give signed confession. Son of petitioner was called to bring his cheques book. Complainant took cheques from the cheque book of AU Small Finance Bank and Punjab National Bank and forcibly obtained his signatures on the same. He was medically examined

at Civil Hospital, Rohtak. Copy of MLR is Annexure P-2. Intimation was given by Doctor which is Annexure P-3. He wrote complaint to Superintendent of Police, Rohtak, which is Annexure P-4. When no action was taken by the police, he filed a complaint under Section 156 (3) of Cr.P.C. before Illaqa Magistrate, Rohtak on 18.04.2024, which is Annexure P-5. Said case is pending before Illaqa Magistrate, Rohtak. He also filed a civil suit for recovery bearing CS-635-2024 before learned Civil Judge (Sr. Divn.), Rohtak on 29.05.2024, which is Annexure P-6. Notice is issued in the said civil suit. Petitioner is pursuing his legal remedies. He is apprehending his arrest. In the present FIR, he was not served notice under Section 41A of the Code of Criminal Procedure, 1973. After filing of present petition, he received two notices under Section 41A Cr.P.C. but he did not appear apprehending his arrest. He is ready to join the investigation. Therefore, his anticipatory bail may be allowed.

4. Bail application is opposed by learned counsel representing the State. Detailed status report has been filed. It is argued that present petitioner being Accounts Head and Cashier of Autoveer Private Limited and B.A. Motors Private Limited embezzled huge amount on different dates by manipulating the closing balance and opening balance and made various illegal entries. As per record provided by the complainant, there is embezzlement of Rs.1,18,95,000/-. Relevant entries of Day Book Record are Annexure R-1. The anticipatory bail application filed before learned Additional Sessions Judge, Rohtak was dismissed vide order dated 27.06.2024. Notices under Section 41A Cr.P.C. were issued on 10.07.2024 and 13.07.2024 but petitioner did not join the investigation. Copies of said notices are Annexures R-2 & R-3. Specific role is attributed to the present

petitioner. He is required to join the investigation. Therefore, anticipatory bail application may be declined.

5. I have considered the arguments and have gone through the record. Learned counsel for petitioner had raised the issue that Investigating Officer did not issue any notice under Section 41A of Cr.P.C. which was mandatory. Apprehending his arrest, present petition has been filed. However, perusal of status report indicates that firstly notice was served upon petitioner on 10.07.2024 and thereafter on 13.07.2024 but petitioner admittedly did not join the investigation. Facts of the case indicate that present petitioner was employee of the complainant working in B.A. Motors Private Limited as well as Autoveer Private Limited and on checking of accounts, embezzlement of Rs.1,18,95,000/- was detected.

6. Considering the nature of allegations and the huge amount involved in this case, present petitioner is required to join investigation. Therefore, I do not find a fit case for grant of anticipatory bail and the same is, accordingly, declined.

7. My observations are made for the disposal of this petition and it will have no bearing on the merits of case.

8. Pending miscellaneous application(s), if any, stand disposed of accordingly.

12.08.2024 (AMARJOT BHATTI)
snd JUDGE

Whether speaking/reasoned: Yes/No.
Whether reportable: Yes/No