



In the High Court for the States of Punjab and Haryana
At Chandigarh

CRM-M-38813-2024 (O&M)
Date of Decision:-1.10.2024

Nitin Bhardwaj ... Petitioner

Versus

State of Haryana ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Nitin Sansanwal, Advocate for
Mr. Keshav Pratap Singh, Advocate for the petitioner.

Mr. Neeraj Sheoran, DAG, Haryana.

FIR No.	Dated	Police Station	Section/s
4	5.1.2022	Sector 6, Bahadurgarh, District Jhajjar	408, 420, 467, 468, 471 and 506 of IPC

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner seeks grant of regular bail in respect of the aforementioned FIR.
2. The allegations, in nutshell, are that the petitioner, while working as an Accountant in the two companies of the complainant i.e. Sagar Damoh Toll Roads Private Limited and Mhow Ghatabillod Toll Roads Pvt. Ltd., Kundali Manesar, had embezzled an amount to the tune of Rs.30 lakhs.
3. Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case on account of some dispute in accounts



wherein the petitioner has paid some amount in cash, which the employer was not acknowledging. Learned counsel for the petitioner submitted that the petitioner, in any case, in order to prove his *bonafides* is willing to deposit an amount of Rs.12 lakhs in the Court and has today brought two demand drafts for an amount of Rs.6 lakhs each.

4. Opposing the petition, learned State counsel submitted that the petitioner is specifically named in the FIR, wherein there are specific and categoric allegations against the petitioner as regards the alleged embezzlement and that the amount allegedly embezzled had been transferred in his bank account, which would clearly show his complicity. It has, however, been informed that the petitioner as of now has been behind bars since the last about 6 months and that he is not involved in any other case. It has also been informed that as of now 1 PW out of cited 16 PWs has been examined.
5. This Court has considered rival submissions addressed before this Court.
6. Having regard to the facts and circumstances of this case particularly the fact that the petitioner has been behind bars for a substantial period of about 6 months and also that conclusion of trial is likely to consume time as only 1 PW out of cited 16 PWs has been examined so far, the instant petition is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.
7. The aforesaid directions shall, however, be subject to the condition that the petitioner, as per his offer, shall deposit an amount of Rs.12 lakh before the



CRM-M-38813-2024 (O&M) (3)

Trial Court within a period of 2 weeks from today. Upon deposit of such amount, the Trial Court shall get the same invested in some FDR with some Nationalized Bank with a specific direction to Manager of the bank concerned not to entertain any request for encashment of the same except under orders of the Court. Upon the petitioner being declared innocent or being acquitted and such acquittal attains finality, the petitioner shall be entitled to proceeds of the said FDR. However, in case the petitioner is found guilty and is convicted and such conviction attains finality, the complainant shall be entitled to proceeds of the FDR in question.

8. In case, the petitioner does not deposit the aforesaid amount before the Trial Court within the stipulated period, it shall be open to the complainant to move an application for cancellation of bail.

1.10.2024
Geeta/P

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned	Yes / No
Whether Reportable	Yes / No