**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**
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215 **CRM-M-49394-2023**
Date of Decision.:02.04.2024

Dilgeer Singh **…..Petitioner**
Vs.
State of Punjab **…..Respondent**

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. A.S. Dhindsa, Advocate
for the petitioner.

Mr. G.P.S. Bhullar, AAG, Punjab.

Mr. K.S. Brar, Advocate
for the complainant.

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DEEPAK GUPTA, J. (ORAL)

The petitioner is seeking regular bail by way of petition filed under Section 439 Cr.P.C in case FIR No.170 dated 12.05.2023 registered under Sections 420, 408 & 120-B of the IPC registered at Police Station City Faridkot, District Faridkot.

2. Status report by way of an affidavit of Shri Shamsher Singh, PPS, Deputy Superintendent of Police, Sub Division Faridkot, District Faridkot along with custody certificate has been filed on behalf of respondent- State.

3. FIR was lodged on the complaint of Rajinder Kumar, who is the owner of hotel Trump Plaza. It was alleged that Dilgeer Singh (petitioner) has been working as a Manager in the hotel for the last 15-16 years and on

his recommendation Deepak Sharma was appointed as Manager in the year 2019. Since long time, income of the hotel was decreasing. On enquiries, both of the abovesaid persons i.e. Dilgeer Singh and Deepak Sharma disclosed that since the Covid Pandemic, the sale had reduced. However, on conducting enquiry about the reason of downfall in the business income it was revealed that petitioner as well as co-accused were receiving the payments from the customers through UPI, Paytm or online digital payment directly in their personal accounts. They also used to receive cash payments from the customers without issuing any bill. During the pandemic restrictions period, both the petitioners received payment directly to their personal account and committed embezzlement to the tune of ₹50,00,000/-. The said fact also became evident on perusal of their bank accounts. Accused Deepak Sharma was stated to have embezzled an amount of ₹17,00,000/- which he received in his bank account in Punjab National Bank, Faridkot and another account in ICICI bank. Petitioner Dilgeer Singh having one account in Canara Bank and another in PNB, Faridkot received the embezzlement amount of ₹15,00,000/- in both the accounts. After conducting necessary enquiry, FIR was registered. It emerged during investigation that both the accused in connivance with each other had kept aside the QR Code of the hotel and provided their personal UPI to the customers so as to receive the payment in their personal bank account and thereby they committed fraud and criminal breach of trust with their employer- complainant.

4. It is contended by learned counsel for the petitioner that

petitioner has been falsely implicated; that he is in custody for the last more than 07 months; that trial is likely to take long time; that case is triable by Magistrate and so, he be allowed bail.

5. By pointing out towards *modus operandi* in which the crime has been committed, learned State counsel has opposed the petition.

6. During hearing of this petition, learned counsel was asked as to whether petitioner was ready to return the amount embezzled by him and as received in his account to which learned counsel refused stating that no embezzlement was committed.

7. The custody certificate reveals that petitioner is in custody for the last 07 months and 13 days, although trial may take time to conclude and case is triable by Magistrate.

8. Having regard to the huge amount as embezzled by the petitioner along with co-accused and the *modus operandi* in which the same has been committed, but without commenting anything further on the merits of the case, this Court is not inclined to grant bail to the petitioner.

Dismissed.

(DEEPAK GUPTA)
JUDGE

April 02, 2024
Neetika Tuteja

Whether Speaking/reasoned Yes/No
Whether Reportable Yes/No