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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

207

CRM-M-54521-2023
Date of decision : 28.02.2024

Sandeep Singh Petitioner
versus
State of Haryana Respondent

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. Rahul Pandey, Advocate and
Mr. Abhay Gupta, Advocate
for the petitioner.
Mr. Gaurav Bansal, DAG, Haryana.
Mr. Amitabh Tewari, Advocate
for the complainant.

PANKAJ JAIN, J. (Oral)

1. While issuing notice of motion on 27.10.2023, following order was passed:-

“By this petition, the petitioner seeks the concession of 'pre-arrest bail' upon FIR No. 205 having been registered at Police Station Sushant Lok, District Gurugram, on 27.09.2023, alleging therein the commission of offences punishable under the provisions of Sections 408/120-B of the IPC.

Counsel for the petitioner *inter alia* contends that initially there was an amicable settlement and he had co-operated with the inquiry officer before registration of the FIR. He has supplied all the documents including the bank statements which were required and therefore, initially the FIR was not registered. However, despite there being amicable settlement, the FIR was registered.

It is further contended that as per the allegations in the FIR, the petitioner who was the

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Assistant Manager in the complainant's company was required to deposit tax deducted at source amounting to ₹32,55,439/- for the financial year 2022-23 through the complainant company's bank account for which the petitioner was authorized to operate the said bank through internet banking facility.

As per the version in the FIR, out of the said amount, he has deposited a sum of ₹25,68,795/- by way of three '*challans*'. It is contended that subsequently, the remaining amount, i.e. ₹6,86,644/- was also deposited on 26.06.2023 and the petitioner is ready to co-operate in the investigation.

Notice of motion.

On advance notice, Mr. Vishal Malik, D.A.G., Haryana, appears and accepts notice on behalf of the respondent-State and Mr. Amitabh Tewari, Advocate, appears and accepts notice on behalf of the complainant.

Learned counsel for the respondents submit that during the investigation further entries were also found and uptill now the investigating officer could come across the bank account details whereby a sum of ₹24,33,556/- is alleged to have been misappropriated by the petitioner and the company's laptop is also in the custody of the petitioner. As such the custodial interrogation of the petitioner is required.

Learned counsel for the complainant further submits that there was no settlement between the parties and presence of the petitioner is also required to unearth the diversion of the funds to the account of his wife and also from the bank accounts of the sister concerns of the complainant's company.

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Adjourned to 07.11.2023.

Detail report about the involvement of the petitioner be filed by the next date of hearing.

In the meanwhile, the petitioner is directed to join investigation within 03 days and subsequently, as and when required by the investigating officer. He shall also comply with the conditions stipulated in Section 438(2) of the Cr.P.C.

The following conditions are also imposed upon the petitioner:-

- (i) He is directed to hand over the company's laptop to the investigating officer and cooperate in the investigation;
- (ii) He is also directed to surrender his passport before the investigating officer; and
- (iii) He would provide the internet banking details including the passwords to the investigating officer and would provide further assistance to the investigating officer in whatsoever manner required to have access of his bank accounts and to the bank account of the complainant's company and the sister concerns company of the complainant.

In that event of compliance of the above conditions, the petitioner shall be released on interim bail till the next date of hearing before this Court, on his furnishing adequate bail and surety bonds to the satisfaction of the arresting officer.”

2. Counsel for the parties are *ad idem* that parties have compromised the matter and are already before this Court in CRM-M-4900-2024 seeking quashing of the FIR on the basis of compromise.

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3. In view of above, the interim order dated 27.10.2023 passed by this Court is made absolute, subject to the conditions as enumerated under Section 438(2) Cr.P.C.
4. This order should not be treated as "blanket" order. It will not be read granting petitioner indefinite protection from arrest. It shall be confined to the FIR mentioned *ibid* and will not operate in respect of any other incident that involves commission of an offence.
5. This order does not in any manner limit or restrict the rights or duties of the police or investigating agency, to investigate into the charges against the petitioner.
6. The petitioner shall be deemed to be in custody for the purpose of Section 27 of the Evidence Act, 1872 in regard to a discovery of facts made in pursuance of information supplied by the petitioner in case the occasion arises.
7. It will be open to the police or the investigating agency to move this court for a direction under Section 439 (2) Cr.P.C. to arrest the accused, in the event of violation of any term, such as absconding, non-cooperating during investigation, evasion, intimidation or inducement to witnesses with a view to influence outcome of the investigation or trial.
8. Needless to say that anything observed herein shall not be construed to be an opinion on the merits of the case.
9. Disposed off accordingly.

28.02.2024

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Whether speaking/reasoned :
Whether Reportable :

(PANKAJ JAIN)
JUDGE

Yes
No