

235 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-64573-2023
Decided on : 21.02.2024

Sandeep Kumar Petitioner

Versus

State of Haryana Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Sunil Sihag, Advocate and
Mr. S.S.Nain, Advocate
for the petitioner.

Ms. Trishanjli Sharma, DAG, Haryana.

Manjari Nehru Kaul, J.(Oral)

Status report by way of an affidavit of Assistant Commissioner of Police, Gohana-II, Sonipat filed on behalf of respondent-State in Court today is taken on record subject to all just exceptions.

Main case

1. This is the second petition filed by the petitioner seeking concession of regular bail in case FIR No.507 dated 22.09.2022 under Sections 406, 409, 420, 467, 468, 471 IPC registered at Police Station Sadar Gohana District Sonipat.
2. Learned counsel for the petitioner *inter alia* contends that the petitioner has been falsely implicated in the case in hand for

allegedly embezzling government money to the tune of about Rs. 26 Lakhs while being posted as a Daakpal in Post Office, Village Lath. While drawing the attention of this Court to the deposition of the prosecution witnesses, which have been annexed as Anenxure P-2 and P-3, learned counsel has submitted that a perusal of the afore-stated depositions reveal that the witnesses had not supported the case of prosecution as a result of which, they were declared hostile. Learned counsel has thus, submitted that in the circumstances, more so, since the petitioner has now been in custody for more than 10 months in a case triable by Magistrate, his further incarceration would serve no useful purpose as trial is unlikely to conclude in the near future, more so, since as many as 85 witnesses have been cited by the prosecution.

3. Per contra, learned State counsel while opposing the prayer made by the counsel opposite on instructions has drawn the attention of this Court to the allegations levelled in the FIR (Annexure P-1), which has been reproduced as under:

“Indian Postal Department Office of Superintendent of Post Office Sonipat Division Sonipat 131001 Summon letter: 4, To SHO, Police Station Gohana (Sadar Police Station) District Sonipat Number F-4/1/2021-22 Sonipat dated 12.09.2022

Subject: Sh. Sandeep Kumar Branch Postmaster Lath regarding embezzlement of government money.

Sir, in the context of the above subject, please analysis the letter number even dated 18.01.2022,

04.03.2022, 21.04.2022 and 06.05.2022 sent by this office under which it was informed that Sh. Sandeep Kumar s/o Sh. Sat Narayan Village Baroda Tehsil Gohana, District Sonipat from dated 08.05.2008 to 04.10.2021 while working on the post of Branch Postmaster Lath Government money has been embezzled by making transactions from the accounts of various account holders. According to the departmental investigation, a total embezzlement of Rs.26,24,000/- (earlier this amount was Rs.24,85,000/-) has been revealed so far and the case of embezzlement is still being investigated by the departmental officials. In the said case, there is a huge possibility of the amount of loss increasing. No recovery has been made yet in the said case. Therefore, you were requested to register a FIR against the said Mr. Sandeep Kumar.”

Learned State counsel while referring to the allegations levelled in the FIR has submitted that the petitioner fraudulently embezzled the money given to him by the depositors and instead of depositing the money in their respective postal accounts, the petitioner had usurped the same. It has been submitted that a recovery of Rs.9000, along with a refrigerator and a washing machine, which were purchased by the petitioner from the embezzled money was also affected from him. It has, however, not been disputed that all the three prosecution witnesses, who have been examined till now, had been declared hostile during trial.

4. I have heard learned counsel for the parties and perused the material placed on record.
5. The case in hand rests on documentary evidence; the petitioner has been in custody since 27.04.2023 in a case triable by Magistrate. The trial is unlikely to conclude as only three prosecution witnesses out of 85 cited have been examined till date.
6. On a pointed query put to the learned State counsel, it has not been disputed that the petitioner is not involved in any criminal case.
7. In the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of regular bail to the petitioner. Accordingly, the instant petition is allowed. The petitioner be admitted to bail on his furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned.
8. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

21.02.2024
sonia

(MANJARI NEHRU KAUL)
JUDGE

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