

2025:PHHC:004500



106.

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M-335-2025

Date of decision: 13.01.2025

Deepak Kumar

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Pardeep Goyal, Advocate, for the petitioner.

MANJARI NEHRU KAUL, J. (ORAL)

The petitioner is seeking the concession of anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in case FIR No.411, dated 29.06.2024 under Sections 408, 406, 420, 120-B of IPC, registered at Police Station Mujesar, District Faridabad, wherein allegations have been levelled against the petitioner of misappropriating funds to the tune of approximately Rs.30 lakhs while working as HR Manager in M/s Blastpro Technologies Private Limited (hereinafter referred to as 'Company').

Learned counsel for the petitioner has contended that the petitioner has been falsely implicated. It is argued that the petitioner was merely a subordinate working under the HR Head, who is the wife of the complainant, and his duties were limited to administrative tasks, such as, maintaining attendance of the employees, salary records, and preparing

bank CMS sheets. Learned counsel further submits that the petitioner had no control over the direct transfer of funds and had all along been acting under the instructions from his superiors.

Learned counsel for the petitioner has further submitted that the Company operates on a Pan-India basis, with Supervisors at each operational site tasked with maintaining daily attendance registers, preparing rosters of the employees, and submitting records to the Company. It has been asserted that the petitioner could not have independently falsified or inflated employees data. Learned counsel has drawn the attention of this Court to certain bank statements which have been annexed as Annexures P-4 to P-8 and asserted that it clearly reveals that salaries were duly transferred to the employees, and letters and excel sheets (Annexures P-11 to P-13) were regularly submitted to the Company to explain these transactions. On this basis, it has been contended that the allegations against the petitioner are totally concocted and baseless.

Notice of motion.

On the asking of the Court, Mr. Yuvraj Shandilya, AAG, Haryana accepts notice on behalf of respondent-State.

Appearance has also been caused by Mr. Shashi Kumar Yadav, Advocate, on behalf of complainant and filed memo of appearance, which is taken on record.

Learned counsel for the State, assisted by learned counsel for the complainant, has vehemently opposed the prayer and submissions made

by the counsel for the petitioner. They have reiterated the allegations in the FIR (Annexure P-1) by asserting that the petitioner is the main conspirator in the misappropriation of the funds of the Company. It is submitted that the petitioner prepared fake attendance records, deducted EPF for fictitious employees, and diverted funds to his and his wife's accounts. It has also been contended that the documents relied upon and produced by the petitioner which have been annexed with the petition are themselves fabricated and forged documents and thus, insufficient to dispel the prima facie case against him.

Upon hearing the learned counsel for both sides and perusing the materials on record, it is evident that the FIR contains specific and detailed allegations of financial misappropriation. It is alleged that the petitioner, in connivance with others, caused a loss of Rs.30 lakhs to the Company by fabricating attendance records, preparing fraudulent EPF documents, and diverting funds for personal gain.

The contentions of learned counsel for the petitioner that he was merely a subordinate and acted under instructions of his superiors, does not, at this stage, sufficiently negate the allegations of his active involvement. The claim of regular communication and submission of records to the Company would require further scrutiny during the investigation, as the learned counsel for the State as well as complainant have submitted that the documents placed upon the petitioner in support of his contentions are in fact fabricated and forged documents.

In view of the prime facie allegations levelled against the petitioner, this Court does not deem it fit to extend the extraordinary concession of anticipatory bail to the petitioner.

Present petition stands dismissed accordingly.

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.

(MANJARI NEHRU KAUL)
JUDGE

January 13, 2025
sanjeev

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