



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

153

CRM-M-7719-2025
Date of decision: 10.02.2025

Sandeep Kumar

.....Petitioner

Versus

State of UT, Chandigarh

.....Respondent

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. David Sardana, Advocate for the petitioner.
Mr. P.S. Paul, Addl. PP for UT, Chandigarh.

SANDEEP MOUDGIL, J (ORAL)

1. Relief sought

The jurisdiction of this Court has been invoked under Section 482 of BNSS, 2023 for grant of anticipatory bail to the petitioners in case FIR No. 7 dated 24.01.2025 under Sections 316(4) and 318 of BNS, 2023 registered at P.S North, Chandigarh.

2. Prosecution story setup in the present case as per the version in the FIR as under:

“DD 028229 Dated 23.01.2024 To, MUHAVRA ENTERPRISES PRIVATE LIMITED Plot D-173,Sushant Lok, Gurugram, Haryana 122002 ((91) 98211 26015, getcoffee@ bluetokaicoffee.com CIN:U1549211R2012PTC-047234. The Station House Officer, By Hand Date: 19-09-2024 Police station Sector 3, near MLA Hostel, Chandigarh, 160001 Sub: Criminal Complaint against Mr. Sandeep Kumar for committing the offenses of Theft Criminal Breach of Trust, Fraud and cheating under the Bharatiya Nyaya Sanhita, 2023, 205 Colony No. 2 Shiv Mandir Khuda Lahora Chandigarh-160014, mob. No.783732637 Respected Sir/Madam, 1. Mr. Dhiraj Singh, the authorized signatory of M/s Muhavra Enterprises Private Limited, a company incorporated under the Companies Act, 2013, having its registered office at D-173 Sushant Lok-1 Gurugram-122002, hereby submit this complaint against Mr. Sandeep Kumar, who was employed as a Café Manager at our



Chandigarh Sector 8C outlet. Whereas Mr. Sandeep Kumar was entrusted with the financial management of the cafe, including overacting daily cash transactions and ensuring proper handover of cash to authorized agents of the Brinks CMS (Cash Management Services) system, which was implemented by the company in December 2023, it has come to light that he has committed serious financial misconduct, thereby breaching the trust placed in him by the company. Mr. Sandeep Kumar joined Muhavra Enterprises Private Limited (Brand Name Blue Tokai Coffee Roasters) on July 15, 2022, and whereas he was responsible for ensuring the secure handling of cash, including its timely deposit through the CMS system, from January 2024, it was discovered that he began to manipulate the cash deposit process. Instead of handing over the entire daily cash collections to the authorized CMS agents for deposit into the company's bank account, he deliberately withheld significant amounts for personal use. This misconduct continued unchecked until August 2024, during which time Mr. Kumar is appropriated a total of approximately 44 lakhs (Rupees forty-Four Lakhs Only). Whereas, in January 2024, irregularities were first noticed in the cash deposit reports from the Chandigarh Sector 8C outlet, it was observed that on multiple occasions, the CMS agents received either nominal sums, such as Rs. 5000, Rs. 12,000, or 15,000, or, in some instances, no cash at all, despite the cafe's daily earnings being considerably higher. Whereas Mr. Kumar presented "nil deposits" on certain days, his actions went undetected for several months, as the smaller individual amounts did not immediately reveal the full extent of the financial discrepancy. It was only in August 2024, during a comprehensive audit of cash deposits, that a significant shortfall of Rs. 5.69 lakhs was discovered for the previous month. This alarming discovery triggered a deeper investigation, leading to the revelation that Mr. Sandeep Kumar had, over the course of several months, consistently failed to deposit the café's daily cash earnings. Upon further audit, it was confirmed that the total shortfall amounted to approximately Rs. 44 lakhs between January 2024 and August 2024. Whereas Mr. Sandeep Kumar was subsequently confronted with the audit findings and



substantive evidence of his misconduct, be voluntarily admitted to the theft of the company's funds and confessed to having diverted the misappropriated cash for his personal benefit. Furthermore, Mr. Sandeep Kumar was in communication with Mr. Dhiraj Singh, General Manager Sales Café Operations, during which he admitted to engaging in this theft. In support of this, we have attached the message conversation between Mr. Kumar and Mr. Singh as proof. Additionally, we have in our possession a confession video of Mr. Sandeep Kumar admitting to the misappropriation. However, despite these admissions, Mr. Sandeep Kumar has since gone missing from his address in Chandigarh and is no longer responding to the company's communications. We have reasons to believe that he is evading the law and there is a significant possibility that he may attempt to flee, thereby obstructing the course of justice. In light of the aforementioned facts and given that the actions of Mr. Sandeep Kumar fall squarely within the ambit of offenses under the Bharatiya Nyaya Sanhita, 2023, namely, Theft under Section 303, BNS (punishable under Section 303(2) BNS) and Criminal breach of trust under Section 316 BNS Fraud under Section 323, BNS and Cheating under Section 318, BNS. I respectfully request that your esteemed office register a criminal complaint against Mr. Kumar. This complaint is made with the earnest request for immediate legal action in accordance with the provisions of the law, including his warrants to ensure prevent his escape and issuing necessary apprehension. I further assure you of our full cooperation in providing any additional documentation or information that may be necessary to facilitate a thorough investigation. I trust that prompt and appropriate measures will be taken to address this grave matter and uphold the principles of justice. Thanking you, Yours sincerely, Sd/ Dhiraj Singh, For and on behalf of M/s Muhavra Enterprises Private Limited 9560037096 SCO 14 15 G-Floor Madhya Marg Sector 8C Sec 8 Email- dhiraj@bluetohaicoffec.com Police

Proceedings: Complaints No. ICMS/2/024/28229 Dated 23.09.2024 Made By Dhiraj Singh SCO No.14-15, G.Floor Madhya Marg Sec-8C Chandigarh was received at Police Station via post, after Inquiry and opinion Dy DA(L) Legal opinion by W/SSP UT ordered for



approval to FIR register on which case no. 07 Dated 24.01.2025 U/S 318, 316 (4) of BNS, 2023 against Sandeep Kumar R/o 205, Colony No.02, Shiv Mandir Khuda Lahora Chandigarh was registered and original complaint along with copy of FIR handed over to myself ASI for further investigation. Copies of FIR are being sent to the service of senior officers. Note: The Parties have a right to legal aid, and they or any of them, if required, can avail free legal aid from District legal Services Authority, 2nd floor Service block, District Court Complex, and Sector 43 UT Chandigarh Help Line no. 84275669901.”

3. Contention On behalf of the petitioners

Learned counsel for the petitioner contends that the petitioner has falsely been roped in the instant FIR wherein he was neither responsible for the daily cash transaction nor for cash handling. He further contends that he has not committed any such offence and that he was not the signatory to any cash receipts (if any) nor the said fact of variance/difference of cash sale and cash deposits was ever pointed by the Company Management. The petitioner is however, ready to join investigation.

On behalf of the respondent-UT, Chandigarh, Learned counsel appearing on advance notice for UT Chandigarh, accepts notice on behalf of respondent-State and opposed the prayer stating that the petitioner has misappropriated cash for his personal benefit, the recovery of which is yet to be effected.

4. Analysis

Be that as it may, after given a thoughtful consideration to the submissions as made by counsel for the parties and considering the fact that no fruitful purpose would be served by sending the accused behind the bars, as such, this Court finds no reason to deny the concession of anticipatory bail to the petitioner as he is ready and willing to join the investigation to cooperate with the

Investigating officer for furtherance of the investigation.



5. Decision

In the light of above, the petitioner is hereby directed to be released on anticipatory bail subject to their joining investigation with the Investigating Officer concerned within a period of one week from today, on furnishing of personal/surety bonds to his satisfaction. The petitioners shall also abide by the terms and conditions as envisaged under Section 482(2) of BNSS, which are reproduced below:-

“When the High Court or the Court of Session makes a direction under sub-section (1), it may include such conditions in such directions in the light of the facts of the particular case, as it may think fit, including-

- (i) a condition that the person shall make himself available for interrogation by a police officer as and when required;*
- (ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;*
- (iii) a condition that the person shall not leave India without the previous permission of the Court;*
- (iv) such other condition as may be imposed under sub-section (3) of section 480, as if the bail were granted under that section.”*

However, it is made clear that in case the petitioner does not comply with the aforesaid direction of joining the investigation within one week, the order passed by this Court today shall automatically stands cancelled.

In the aforesaid terms, the present petition stands disposed off.

(SANDEEP MOUDGIL)
JUDGE

10.02.2025
manoj

- 1. Whether speaking/ reasoned : Yes /No
- 2. Whether reportable : Yes /No