



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-18028-2025
DECIDED ON: 02.04.2025

NARESH KUMAR DAUCHANIA

.....PETITIONER

VERSUS

STATE OF HARYANA

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Risham Raag Singh, Advocate
for the petitioner.

SANDEEP MOUDGIL, J (ORAL)

1. Relief sought

The jurisdiction of this Court has been invoked under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023/Section 438 Code of Criminal Procedure, 1973 seeking grant of Pre-arrest bail in the event of arrest by the Investigating Officer in FIR No. 699 dated 30.10.2023, Under Section 120B,409,420,467,468,471 of IPC, registered at Police Station Sadar, Gurugram, Haryana (Annexure P-1).

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

*“Tele (0124)-4004207 Email echspoluclinic49@gmail.com
35/Misc/ECHS/SR04 Aug 2023 ECHS Polyclinic Gurgaon
(Sohna Rd) Community Center II Sispal Vihar (AWHO)
Sector 47. Gurgaon (Haryana) Pin 122018 Police Station
Sadar Thana, Gurgaon. FIR WITH RESPECT TO
FRAUDULENT ACTIVITY AT ECHS POLYCLINIC SOHNA
ROAD, GURUGRAM. IT IS informed that Mr Naresh Kumar*

Dauchania, Address H. No. 24A, Maharani Enclave Hastal Village. West Delhi-110059 was employed as billing clerk at ECHS Polyclinic, Sohna Road with effect from 20 Oct 2021. He was responsible for the billing section (to accept and process In-Patient Department Claims. Home isolation claims and putting claims ID on NA Bills) 2. Mr Naresh Kumar Dauchania Billing Clerk had processed medical reimbursement bills during that period which were forged digitally signed them on behalf of the then Officer In-charge ECHS Polyclinic Sohna Road Wing Commander Jai Prakash (Retd) and forwarded to the Bill Paying Agency and Regional Centre ECHS-1 and reported to ECHS Polyclinic Sohna Road who in turn reported the same to ECHS Cell, Station Headquarter Delhi Cantt. 3. The list of claims processed is attached at appendix to this letter 4. Some claims were detected as fraudulent and stopped but some claims were paid. An amount of Rs.28.42.690/- Twenty Eight Lakh Forty Two Thousand and Six Hundred Ninety only) was claimed and credited to the account of two accomplices Ms. Raveena Kumari C/ Mr Naresh Kumar Dauchania, H. No.-24 A. Maharani Enclave. Uttam Nagar, New Delhi 110059 and Ms. Renu Yadav. H No-24A, Maharani Enclave, Uttam Nagar. New Delhi-110059. Details of account numbers are given at appendix 5. Once the case was detected and the individual was questioned, he agreed to his actions and voluntarily gave a statement for the same. Copy of his statement is also enclosed. 6. In view of the above you are requested to kindly lodge an FIR against the three individuals and process the case according to the law of the land. Sd/-Col. KK Sharma (Retd) OIC ECHS Polyclinic Gurgaon (Sohna Road).”

3. Contention

On behalf of the petitioner

Learned counsel for the petitioner contends that the alleged incident, which formed the basis for the registration of the FIR, occurred at

least one and a half years prior to the filing of the FIR, indicating an inordinate and unexplained delay in its registration. Furthermore, it is contended that the investigation into the FIR, which was registered on 30.10.2023, is still incomplete. It has been further contended that co-accused namely Renu Yadav has already been granted the concession of anticipatory bail by this Court vide order dated 11.02.2025 passed in CRM-M-7869-2025. He further contends that the petitioner is not involved in any other case and is willing to comply with all the terms and conditions set by this Court to cooperate with the investigation. Additionally, he has been cooperating with the investigating officer, as demonstrated by his timely response to a notice served in the month of March 2025, which requested information regarding his current address and whereabouts, and which was duly provided without delay.

Notice of motion.

On behalf of the State

On the asking of the Court, Mr. B.S. Virk, Sr. DAG, Haryana accepts notice on behalf of the respondent-State, who opposes the grant of anticipatory bail to the petitioner on the ground that the amount of Rs.16,76,154/- has been misappropriated, which was credited into the account of the present petitioner and therefore his custodial interrogation has been pressed into before this Court.

4. **Analysis**

Be that as it may, having regard to the fact that there is inordinate delay of one and a half year and perusal of the FIR further depicts that the same remains unexplained. Regarding the extraction of facts and communication, the petitioner's conduct since the registration of the FIR

should also be taken into account. The petitioner has expressed readiness and willingness to join the investigation and has undertaken to cooperate fully with the Investigating Officer to facilitate the progress of the investigation.

Also considering the fact that co-accused namely Renu Yadav has already been granted the concession of anticipatory bail by this Court vide order dated 11.02.2025 passed in CRM-M-7869-2025.

5. **Relief**

In the light of above, the petitioner is directed to be released on anticipatory bail subject to him 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 petitioner 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 a period of one week, the order passed by this Court today shall automatically stands cancelled.

In the aforesaid terms, the present petition stands allowed.

02.04.2025

Poonam Negi

(SANDEEP MOUDGIL)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No