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IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

CRM-M-43205-2024  
DATE OF DECISION: 21.01.2025

AJAY

...PETITIONER

Versus

STATE OF HARYANA

... RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Rakesh Nehra, Senior Advocate with  
Ms. Bindu Tanwar, Advocate  
M. Sauhard Singh, Advocate and  
Mr. Ankit Yadav, Advocate for the petitioner(s).  
Mr. S.S. Pannu, Addl. A.G, Haryana.

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SANDEEP MOUDGIL, J (ORAL)1. Relief Sought

This petition has been filed under Section 482 B.N.S.S. for grant of concession of Anticipatory Bail to the petitioner - Ajay in FIR No. 251 dated 12.06.2024 under sections 406, 420 and 120- B of the IPC, 1860, registered at Police Station Old Subzi Mandi, Rohtak, District Rohtak.

2. Prosecution story, set up in the present case as per the version in the FIR reads as under :-

*'Complaint no. 924 -D. PESI Date 18.04.2024/01323704012400512 has been received in the PS for registration of FIR after investigation by SP Office Rohtak. That contents of the complaint are attached. To the Superintendent of Police Rohtak, Haryana, date 15.04.2024. Subject: Request for intervention in Theft and Forgery Case at Autoveer Pvt. Ltd. BA*



*Motors Pvt Limited. Respected Sir, Greetings. I am writing to bring to your attention a serious case of theft and forgery perpetrated by Mr. Pradeep Kumar S/O Babu Ram R/o C-95, Ward No. 11, Anantpuram Society, Jind Bye Pass, Rohtak, the Accounts Head (Mobile No. 9306488547) and his brother, Mr. Ajay C/O Hari Ram, Gali No. 15, Near Gurunanak Sweets, Nai Abadi, hanumangarh Town, Rajasthan the Cashier (Mobile: 7014626083) at our Office. Upon reconciliation of our records, it has come to light that a significant amount of customer payments have not been deposited in our organization and instead have been pocketed by the aforementioned individuals. Additionally, they have manipulated records and siphoned off cash during the financial year 2023-2024. Despite numerous verbal and written requests to both individuals, they have ceased communication and have abandoned their respective duties. It is evident that their actions constitute criminal offences and have caused substantial financial harm to our organization amounting to approximately 90 lakh to a crore. Further reconciliation is under process and exact figures shall be made available once we receive support from the aforementioned individuals for reconciling the records. I respectfully request your intervention in this matter to initiate a thorough investigation and assist us In recovering the funds misappropriated by Mr. Pradeep and Mr. Ajay. Your prompt action in this regard would be greatly appreciated to ensure justice is served and our organization's interests are protected. Thank You for your attention to this urgent matter. I remain at your disposal for any further information or assistance required sincerely Prashant Chaudhary (8222831111) Director Autoveer Pvt Ltd BA Motors Pvt Ltd copy to Deputy Commissioner Rohtak. Today PS: aforementioned complaint has been received at Economic Offences Wing Rohtak PS after investigation wherein it has been found that the Accountant Head Pradeep and Cashier Ajay of the afore-mentioned companies have*



*manipulated the record Day Book and calculations of the above companies in the name of customer refund and commission by making wrong entries with the intention of committing fraud with the company and funds of the company have been found to be siphoned off. That as per the complaint and the investigation report offence under section 406/420/120-B IPC is made out and FIR No. 251 dated 12.06.2024 u/s 406/420/120-B IPC PS Old Subzi Mandi Rohtak is registered and computerized copies prepared. Copy along with original complaint is being sent through post to I/C PP Sukhpura ASI Sunny 1620 for further investigation. Above-mentioned FIR has been registered in the presence of HC Jitender 2344.'*

### 3. Contentions

#### On behalf of the petitioner

Learned counsel for the petitioner has submitted that the petitioner was just an accountant in the company and has not committed any fraud as alleged in the complaint. He has further submitted that no specific role has been attributed to the petitioner and no evidence has been produced by the prosecution to prove the allegations of fraud of over Rs. 1 crore, moreover, the name of the petitioner was not even mentioned in the first application dated 09.04.2024 and was named in the second application dated 18.04.2024 which proves that it was an after thought to rope the petitioner in the instant case, therefore, prays for grant of anticipatory bail to the petitioner.

#### On behalf of the State

Learned State Counsel appearing on advance notice on



instructions from Investigating Officer vehemently opposes the prayer for grant of concession of anticipatory bail stating that serious allegation of fraud has been levelled against the petitioner and recovery of Rs. 1 crore is yet to be effected, therefore, prays for dismissal of the petition.

4. **Analysis**

Be that as it may, after having given a thoughtful consideration to the submissions as made, by the counsel for both the parties, especially, to the effect that no specific role has been attributed to the petitioner and no incriminating material has been produced by the prosecution to prove the involvement of the petitioner in the said fraud, this Court finds no reason to deny the petitioner the concession of anticipatory bail, wherein the petitioner has bona fide intentions and is willing to join the investigation and cooperate for furtherance of the same so that the final report can be submitted by the Investigating Agency within the stipulated time period.

5. **Decision**

Hence, in view of the admitted set of circumstances before this Court, the petitioner is hereby directed to be released on anticipatory bail subject to him joining investigation and reporting to the Investigating Officer concerned within a period of one week from today, on furnishing of personal/surety bonds to the satisfaction of Arresting/Investigating Officer. The petitioner shall also abide by the terms and conditions as envisaged under Section 482(2) of BNSS of 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 stand cancelled.

The petition in the aforesaid terms stands allowed.

(SANDEEP MOUDGIL)  
JUDGE

21.01.2025  
anuradha

|                                  |               |
|----------------------------------|---------------|
| <i>Whether speaking/reasoned</i> | <i>Yes/No</i> |
| <i>Whether reportable</i>        | <i>Yes/No</i> |