State Vs. Ankit Manchanda

C.Gen. No. BA/3525/2021
CNR No. PBLD0100805612021
Date of order: 18.5.2021

FIR No. 170 of 18.11.2020
U/Ss 406,420,465,467,468,471,120-B IPC
Police Station Model Town, Ludhiana.

Present: Shri H.S.Grewal,Advocate, for accused-applicant Ankit Manchanda son of Inderjit Manchanda
Sh. Amandeep Singh, Additional P.P for the respondent- State.
(Virtual court through Video Conferencing)

ORDER:

Record from the court of Trial Court received. Same is perused. Heard on this application of accused-applicant Ankit Manchanda son of Inderjit Manchandafor regular bail under Section 439 Cr.P.C, in the abovesaid case.

2. Ld. Counsel for applicant argued that the applicant has been falsely implicated in this case by complainant in connivance with the police. No offence, as alleged, has been committed by the applicant. Ld. Conclusion of trial will take long time. With these assertions, Ld. Counsel for applicant prayed for regular bail.

3. Ld Addl. PP for the state, however, opposed the bail application on the ground that there are serious allegations cheating and forgery against the applicant. The applicant has embezzled the amount of complainant in crores. The modus operandi of the applicant was that he did not use to deposit the entire amount by way of one voucher and he

used to use multiple deposit vouchers for depositing the cash in the bank. He prayed that this application be dismissed.

4. The present case has been registered on the complaint of Harinder Pal Singh that he is doing the business of ready-made and unstitched garments. Applicant Ankit Manchanda was working as an Accountant in their firm since the year 2015 and the non-applicant Lakhi Kapila was working as a Cashier in their firm since May, 2016. Non-applicant Satwinder Singh was working as a Cashier in their firm from Jan.,2002. All these accused in connivance with each other embezzled about 3.5/4.00 crores in the last four years. It is alleged that the daily collection was used to be deposited in the Punjab and Sind Bank, Model Town, Ludhiana on the daily basis by the Cashier and the Accountant together. The modus-operandi of the accused was that they did not use to deposit the entire amount by way of one voucher and they used to use multiple deposit vouchers for depositing the cash in the bank. Out of the four or five vouchers they used to forge one or two vouchers for showing the deposit of the money in the bank account of the firm but infact they used to deposit the cash in their own bank account in the same branch. For example on 28.10.2020 the accused have shown a deposit of Rs. One lakh Sixty Two thousand in the account of Balbir Store in account No. XXXXX66404 but infact this amount have been deposited by the accused in their own account in the name of Satwinder Singh in the same bank having account No. XXXXX71192 and Non-applicant Satwinder Singh was also using the bank account of his deceased brother Rajinder Singh who was having Bank account No. 919020053297782 in Axis Bank,

Mangli Nichi Branch, Ludhiana. Rajinder Singh brother of accused Satwinder Singh expired about six years ago but accused Satwinder Singh still was using his abovesaid account and he had also used the same account for embezzled amount. The account of non-applicant Amandeep Kaur wife of accused Satwinder Singh has also been used for the embezzled amounts and there is a transaction of money from the account of Amandeep Kaur in the account of accused Ankit Manchanda showing the connivance of the accused with each other. With the intervention of respectable and friends accused Ankit Manchanda admitted his guilt and returned back a sum of Rs. 10,15,000/- through RTGS on 7.11.2020 and promised to return balance amount on 9.11.2020 but he failed to do so. Even they also embezzled the salaries of other employees. On the basis of these facts the present FIR was registered. The applicant, however, has denied his involvement with regard to embezzlement of abovesaid amount. The Ld. Counsel for the applicant also pointed out that no document whatsoever has been produced on file by the prosecution to show that the applicant has committed any forgery. Even no balance sheet duly audited by CA has been placed on record so as to prove the accounts of the firm. Moreover, the challan has already been presented in the court. Nothing is to be recovered from the applicant when admittedly he is in judicial custody for the last about 3-1/2 months. The criminal liability of applicant can be determined only after conclusion of trial. Challan has already been presented in the court. The matter is triable by the Court of Magistrate. The disposal of challan will take sufficient time. No useful purpose will be served if the present accused/applicant is detained behind bars for indefinite period. As per the guidelines laid down by Hon'ble Apex Court in case titled as " Sanjay Chandra Vs. CBI 2012(1) SCC 40" , it has been made abundantly clear that the object of bail is to secure the presence of the accused person at the trial. The object of bail is neither punitive nor preventive. The jurisdiction to grant bail has to be exercised on the basis of well settled principles having regard to the circumstances of the case, the nature of accusation, the evidence to be led in support thereof, the severity of punishment, the character and behaviour of the accused, reasonable apprehension of tampering with the evidence, reasonable possibility of securing presence of accused during the trial, the larger interest of public and state. Thus, when the above said yardstick are applied to the case in hand, the court finds merit in the submissions put forth by the learned counsel for the applicant. Taking into the consideration the totality of the facts and circumstances of the present case, the bail application is hereby allowed and applicant is admitted to bail on his furnishing bail bonds to the tune of Rs. 1 lakh with one local surety in the like amount to the satisfaction of Ld. Area/Duty Magistrate, subject to the following conditions:-

1. That he will not tamper with the prosecution evidence;
2. That he will appear in the court on each and every date of hearing to be fixed in the trial;
3. That he will not leave the territory of India without prior permission of the Court;
4. That he will surrender his passport in the Court if any. In case he is not possessing any passport, then he will

furnish an affidavit to this effect within 10 days from the date of his release.

Record be returned alongwith a copy of this order. File be consigned to the Record Room.

Pronounced in the open Court **(Muneesh Arora),**

Dt.18.5.2021 **Addl.Sessions Judge,**
Ludhiana (UID No.PB0135).

Rajinder Pal,
Stenographer-I