2026:PHHC:076434

2026:PHHC:076434

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

(213+105) **CRM-M-11223-2026 (O&M)**
Date of decision : 14.05.2026

SAKET KUMAR **... Petitioner**

Versus

STATE OF HARYANA **...Respondent**

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. J.S. Pannu, Advocate for the petitioner

Mr. Neeraj Poswal, AAG, Haryana

Mr. Aditya Sanghi, Advocate for the complainant

***

<u>MANISHA BATRA, J. (ORAL)</u>

CRM-21115-2026

1. Application for placing on record is allowed subject to all just exceptions and the document annexed with the application is ordered to be placed on record as Annexure P11.

CRM-M-11223-2026

1. The instant one is the second petition preferred by the petitioner under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short "BNSS") seeking grant of regular bail in case arising out of FIR No.248 dated 01.06.2024 registered under Sections 408, 420, 467, 468, 471, 120B of IPC and Section 13 of the Gambling Act at Police Station Civil Lines, District Sirsa. The first petition filed by the petitioner had been dismissed as withdrawn vide order dated 08.10.2025.

2026:PHHC:076434

2. The aforementioned FIR was registered on the basis of a written complaint submitted by the complainant Sanjeev Gupta, Director of HSF Food Pro Tech. Private Limited Company (for short "the Company") which was engaged in the business of manufacturing of rice mill machinery, alleging therein that the present petitioner was working as an Accountant in the company from the last about 15 years. He was looking after the accounts of the Company as well as the Directors and their family members who had full trust upon the petitioner. The Company was having an account at ICICI Bank, Grain Market Branch, Sirsa. Previously, it was having bank accounts at Canara Bank and HDFC Banks. The petitioner used to operate the bank accounts of the Company through his Laptop and use to ask for OTPs from the family members of the Directors of the Company whenever required. Trusting him, the family members of the complainant and himself used to divulge the details of OTPs to the petitioner whenever he asked as they had blind faith upon him.

3. The complainant further alleged that the Company was having dealings with several other companies and transaction of money used to take place with them which was also done through the petitioner. On 23.05.2024, the complainant asked the petitioner to transfer an amount of Rs.40 lakhs to one firm at Delhi. The petitioner asked the complainant to give two OTPs received on his phone for the above said amount which was so given, and thereafter, he took leave and had gone to Goa. Having some suspicion, the complainant asked the petitioner reason for having generated two OTPs for one transaction and then he disclosed that he had transferred an amount of Rs.10 lakhs in the account of Om Stainless India Company and another in the account of the firm which the

2026:PHHC:076434

complainant had told him to do. He also gave vague replies and on the basis of suspicion, when the complainant checked the bank records of the ledger book of the Company, he came to know that the petitioner had embezzled an amount of Rs.33 Crores from the bank accounts of the Company as well as the family members of the complainant and himself by tampering with the record, by preparing false and forged bank statements and ledger books. It was also revealed that he had been transferring money from bank accounts of his family members and himself as well as company to the bank accounts of his family members, relatives and other accomplices, thereby causing huge loss of money. As such, he prayed for taking action in the matter.

4. After registration of FIR, investigation proceedings were initiated. The petitioner was arrested on 15.06.2024. On interrogation, he suffered disclosure statements admitting his involvement in the crime and got recovered one Laptop, one mobile phone, sum of Rs.16,000/- and disclosed that he was indulged in online gambling on the site 10 CRICBET and FAIRBET and had used the money belonging to the complainant and his Company for betting. Other persons involved with him were also named as additional accused and had been arrested. Investigation now stands concluded.

5. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. He is in custody since 14.06.2024. There are no chances of conclusion of trial in the near future as no prosecution witness has been examined so far and even charges have not been framed. His mother is suffering from cancer. Each day spent by him in custody has furnished a fresh ground to him to seek concession of bail. The subject offences are triable by

2026:PHHC:076434

Magistrate. His further incarceration will not serve any useful purpose. It is, therefore, argued that the petition deserves to be allowed.

6. Per contra, learned State counsel assisted by learned counsel for the complainant while relying upon the status report has argued that the present petition being successive one is not maintainable. The allegations against the petitioner are quite serious and grave in nature. He is accused of committing economic offence of great magnitude. The offence punishable under Section 467 of IPC attracts punishment of life imprisonment. There are chances of petitioner's tampering the evidence, absconding or committing similar offences, if extended benefit of bail. It is, therefore, argued that the petition does not deserve to be allowed.

7. This Court has heard the rival submissions made by learned counsel for the parties at considerable length.

8. The petitioner in connivance with the co-accused is alleged to have committed offences of serious nature by not only misusing the trust of the complainant in him but also embezzling a huge amount of money from the bank accounts of the Company, the complainant and his family members by way of manipulation of record and by preparing forged and fabricated documents in the form of bank statements etc. The allegations against him are quite grave in nature. It is well settled proposition of law that grant of bail is a discretionary relief to be granted or denied based on specific facts and circumstances of each case and there cannot be any exhaustive parameter set out for considering the application for grant of bail. The factors such as nature of accusations, severity of punishment if the accusations entail, conviction and nature of evidence in

2026:PHHC:076434

support of the accusations are to be seen. That apart reasonable apprehension of tampering with evidence or threatening the material witnesses is also to be weighed. Frivolity of prosecution should also be considered and it is only the element of genuineness that has to be considered in the matter of grant of bail. The petitioner has submitted that his mother is suffering from cancer and he needs to take care of her. However, keeping in view the foregoing legal principles and the circumstances as discussed above, this Court finds no compelling ground to allow the petition. Accordingly, the same is dismissed.

9. It is, however, clarified that the observations made above shall not be construed as an expression of opinion of this Court on the merits of the case and shall not influence the outcome of the trial in any manner.

10. Since the main petition has been dismissed, pending application, if any, is rendered infructuous.

(MANISHA BATRA)
JUDGE

14.05.2026 **Whether speaking/reasoned:- Yes/No**
Amit Sharma **Whether reportable:- Yes/No**