



**IN THE HIGH COURT OF PUNJAB & HARYANA AT  
CHANDIGARH**

**CRM-M-39183-2024  
Reserved on 20.05.2025  
Pronounced on : 26.05.2025**

**SACHIN KUMAR SHARMA**

**... Petitioner**

**Versus**

**STATE OF PUNJAB**

**... Respondent**

**CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY.**

Present:- Mr. Akshay Bhan, Sr. Advocate with  
Mr. J.S. Lalli, Advocate, for the petitioner.

Mr. K.D.Sachdeva, DAG,Punjab.

Mr. Jaiveer Singh, Advocate for the complainant.

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**SANJIV BERRY, J.(ORAL)**

The instant petition has been preferred by the petitioners under 439 of the Criminal Procedure Code, for grant of regular bail in the following case (Annexure P-1):-

<b>FIR No.</b>	<b>Dated</b>	<b>Sections</b>	<b>Police Station</b>
208	20.08.2023	420, 406, 120-B IPC	Sahnawal, District Ludhiana

2. It is *inter alia* contended by learned Senior counsel representing the petitioner that the petitioner is innocent and has been falsely implicated in this case, on the allegation that he conspired with the other co-accused in causing wrongful loss to the Company which is manifestly wrong. He contends that the petitioner has no concern whatsoever with the allegations



levelled in the FIR and he being the employee of the complainant Company, was working as Executive International Sales. He contends that false allegations have been levelled against the petitioner of having misappropriated and defrauded the complainant. He submits that even the allegations of receiving cash amount are against the co-accused Naveen; and not against the petitioner nor the petitioner was in any manner beneficiary of any such transactions. He submits that petitioner is in custody since 12.04.2024 and after completion of investigation, challan has already been presented in Court. He submits that petitioner is not having any criminal antecedents and conclusion of trial in the case triable by the Magistrate will take sufficient long time, hence prayed for grant of concession of bail to the petitioner.

3. *Per contra*, learned State counsel assisted by learned counsel for the complainant have assailed these arguments by submitting that petitioner has actively participated and conspired with the co-accused to have caused huge loss to the complainant Company, wherein the order was placed for supply of non-ferrous goods to one Birungi and Company being intermediary company and despite the payment being made, no goods were received by the complainant Company. It is contended that even the petitioner was apprehended by the police while trying to flee from the country. Hence prayed for dismissal of the bail petition.

4. After considering the rival contentions and perusing the record, it transpires that as per the prosecution version in nutshell the petitioner along with co-accused Naveen Kumar had been working as Executives in



the Complainant company and the order was placed to the intermediary Berungi and Company for supply of non-ferrous metal through co-accused Naveen Kumar but despite payment being made, the goods were not supplied to the complainant Company and on inquiry co-accused Naveen Kumar who was working as Executive Logistic having job to handle and assure the payment and delivery of goods, failed to give concrete reply and on being verified from the Intermediary Company, the complainant came to know that co-accused Naveen had taken the payment in cash from the Intermediary Company, hence this FIR.

5. It is evident from record, that allegations against the petitioner are that of having conspired with co-accused Naveen in defrauding the complainant Company. As per version of the prosecution, the complainant had come to know from the Intermediary Birungi and Company that co-accused Naveen had taken the payment in cash from them and there is no such allegations against the petitioner and the only allegation against him is that of conspirator. Consequent upon his arrest on 12.04.2024, after completion of investigation, challan has already been presented in Court, wherein, prosecution has cited 19 witnesses and till date none of them have been examined. The petitioner is not having any criminal antecedents. The conclusion of trial, ascertain criminal liability, if any, of the petitioner, will take sufficient long time, therefore, no purpose would be served by detaining the petitioner any longer in custody.

6. Resultantly, in these circumstances, without commenting on the merits of the case, the present petition is allowed. The petitioner is ordered



to be released on bail subject to furnishing bail bonds/surety bonds with two sureties in the like amount, to the satisfaction of learned Trial Court concerned, if not required in any other case; undertaking to regularly appear on each and every date; not to leave the country without prior permission of the Court; and not to tamper with the evidence of the prosecution in any manner.

7. Further, considering the fact that petitioner had tried to flee the country, he is directed to deposit his passport in the trial court, which be kept in the safe custody till the conclusion of the case.

8. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

9. Pending application(s) if any shall also stands disposed of.

**(SANJIV BERRY)**  
**JUDGE**

**26.05.2025**

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| i)  | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable?        | Yes/No |