

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH.**

CRM-M-10104 of 2015.

Date of Decision: May 19, 2015.

Rakesh

....Petitioner.

VERSUS

State of Haryana

....Respondent.

CORAM: HON'BLE MRS. JUSTICE SNEH PRASHAR.

Present: Mr. Anmol Rattan Sidhu, Sr. Advocate with
Mr. Pratham Sethi, Advocate for the petitioner.

Ms. Trishanjali Sharma, Assistant Advocate General, Haryana.

SNEH PRASHAR, J.

This petition under Section 438 of the Code of Criminal Procedure (in short, "Cr.P.C.") was filed by petitioner for grant of anticipatory bail in case First Information Report No.31 dated 25.01.2015 under Sections 409, 420, 467, 468, 471 and 120-B of the Indian Penal Code (in short, "I.P.C.") registered at Police Station Loharu.

The accusation against petitioner Rakesh Kumar is that while being posted as Postal Assistant, Loharu from 22.05.2010 to 30.06.2014, he in connivance with Satyavir Morwal, Sub Postal, Loharu, had embezzled huge amount from the Government Treasury as per R.D. Account of the Post Office. Details of the closed accounts which were reopened by the

petitioner and by preparing fake records an amount of Rs.5,27,590.00 was withdrawn from the Government Treasury, were mentioned in the First Information Report.

The application for anticipatory bail filed by the petitioner before learned Sessions Judge, Bhiwani was dismissed.

Heard the submissions made by Mr. Anmol Rattan Sidhu, learned senior counsel representing the petitioner and Ms. Trishanjali Sharma, learned Assistant Advocate General, representing the State of Haryana.

Learned counsel for the petitioner submitted that the amount of Rs.5,27,590.00 allegedly withdrawn by the petitioner already stands deposited. In fact, the petitioner had no concern with the alleged amount and had been falsely implicated by some employees of the department. Submitting that nothing remains to be recovered from the petitioner, learned counsel prayed that he be given the benefit of anticipatory bail.

The petition was opposed by learned Assistant Advocate General, representing the State of Haryana. She submitted that despite order of this Court dated 30.03.2015 the petitioner did not come forward to join investigation. She also submitted that the forged documents prepared by the petitioner with the help of which he embezzled the public money are to be recovered from him. The investigations are in process and enquiry regarding other accounts, if any, fraudulently reopened by the petitioner is to be made.

The amount mentioned in the First Information Report,

allegedly embezzled by the petitioner, may have been deposited but considering the nature and intensity of the offence committed, his custodial interrogation for proper investigation is certainly necessary. As submitted by learned State counsel, recovery of the forged documents, with the help of which the fraud was committed, are also to be recovered from him. In the said set of facts and without going into merits, in my considered opinion, no case for release of the petitioner on anticipatory bail is made out and the petition is dismissed.

(SNEH PRASHAR)
JUDGE

May 19, 2015
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