

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

CRM-M-14596 of 2015.

Date of Decision: May 21, 2015.

Sukhraj Kaur

....Petitioner.

VERSUS

State of Punjab

....Respondent.

CORAM: HON'BLE MRS. JUSTICE SNEH PRASHAR.

1. Whether the judgment should be reported in the digest? Yes/No
2. Whether to be referred to the Reporter or not? Yes/No

Present: Mr. Vaibhav Narang, Advocate for the petitioner.

Mr. A.S. Klar, Assistant Advocate General, Punjab.

Mr. Amit Dhawan, Advocate for the complainant.

SNEH PRASHAR, J.

A petition under Section 438 of the Code of Criminal Procedure (in short, "Cr.P.C.") for grant of anticipatory bail was filed by the petitioner in case First Information Report No.53 dated 15.04.2015 under Sections 408, 420, 467, 468, 471 and 120-B of the Indian Penal Code (in short, "I.P.C.") registered at Police Station B. Division, District Amritsar City.

As per the accusation in the First Information Report,

registered on a complaint given by Chairman of Saraswati College of Management and Technology, situated at 100 Footi Road, Amritsar, petitioner Sukhraj Kaur worked in the College from 2010 to December, 2014 when she left the job saying that she was getting married. She was responsible for maintaining the entire accounts regarding collection of fees etc. of the students and other financial transactions done by the management. After she left and the records were checked, several discrepancies were noticed on which a Chartered Accountant was engaged for auditing the accounts. The audit done till the date, the complaint was filed, revealed that the petitioner had embezzled an amount of Rs.5 lacs. It was alleged that checking of other records was going on and it appeared that embezzlement of more amount will surface.

Heard the submissions made by Mr. Vaibhav Narang, learned counsel representing the petitioner and A.S. Klar, learned Assistant Advocate Advocate General, representing the State of Punjab and Mr. Amit Dhawan, learned counsel representing the complainant.

It was argued on behalf of the petitioner that she was appointed in the college as a lecturer in computer science and had never been given the charge of accountant in the college. It is after six months of her having left the job that the complainant by hatching a conspiracy in collusion with the police officials had managed to implicate her in a false case. The audit of accounts of the college used to be done every year and never before such an allegation had been raised against her. Submitting that the petitioner is a lady and will abide by all the terms and conditions imposed by this Court,

learned counsel prayed that she be given the concession of anticipatory bail.

The application was opposed by Mr. A.S. Klar, learned Assistant Advocate General representing the State of Punjab and Mr. Amit Dhawan, learned counsel representing the complainant. They submitted that the audit of accounts of the college on completion has revealed that approximately Rs.15 lacs had been embezzled by the petitioner during the period she was working in the college. Learned counsel for the complainant also submitted that the document relating to handing over charge of accounts to the petitioner, which bears her signatures, has already been given to the police. The petitioner committed not only breach of trust but also forged and fabricated the records and the statement of students, teachers etc. have been recorded in that regard.

It had been mentioned in the First Information Report by the complainant that only after discrepancies in the accounts/record were detected that he asked his Chartered Accountant to check the accounts relating to the college pay book, receipts against payment of fees etc. issued to the students and the fee register. It was then that the embezzlement of funds done by the petitioner during the period she was responsible for handing the accounts surfaced. Appreciably, there is serious allegation of embezzlement of huge amount against the petitioner. As submitted by learned Assistant Advocate General, Punjab, recovery of the embezzled amount etc. is to be made. Also the manner and mode in which the offence was committed is required to be enquired into for which the custodial interrogation of the petitioner is necessary.

In view of aforesaid facts and circumstances and least any expression may prejudice the case of either side, in my considered opinion, no case for granting concession of anticipatory bail to the petitioner is made out and the petition is dismissed.

(SNEH PRASHAR)
JUDGE

May 21, 2015
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