

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

CRM-M-14752 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 29.01.2015 under Sections 409, 420, 467, 468, 471 and 120-B of the Indian Penal Code (in short, "I.P.C.") registered at Police Station Badhra, District Bhiwani.

The accusation against petitioner Rakesh Kumar is that while being posted as Postal Assistant, he in connivance with Hawa Singh, Sub Postmaster, Badhra, had embezzled Government money during the period from 01.07.2014 to 25.08.2014 by forging documents, making additions/ alterations in the record of recurring deposit accounts. He had also made

modification/forgery in the computer system through data entry module in respect of the record of R.D.A. No.22539 and had increased the amount of denomination of Rs.10/- to Rs.1000/- with an intention to raise the balance and to withdraw the amount fraudulently. Particulars of the forged withdrawal forms by means of which the amount was withdrawn were mentioned in the First Information Report.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 all payments shown as embezzled have already been deposited by the petitioner with the account department of Post India. Regarding negligence, if any, a departmental inquiry has been initiated against him. In view of the matter, since nothing remains to be recovered, the petitioner be given the benefit of anticipatory bail.

The petition was opposed by learned Assistant Advocate General, representing the State of Haryana. She submitted that the forged documents prepared by the petitioner with the help of which he illegally withdrew the public money and embezzled the same are to be recovered from him. The investigations are in process and he is required for interrogation regarding the forgery committed by him.

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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